

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)

ELIZABETH DUFFY, LPC)

Respondent.)

No. 1507)

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 September 17, 2015, pursuant to a charge letter issued by the Board on March 31, 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 or about December 2013, Respondent began providing counseling services to client X.
3. During Respondent's counseling relationship with client X, Respondent contends that she felt threatened by client X and lent her car to client X and provided money to client X out of fear. Respondent understands that she did cross certain lines and that the relationship with client X was an inappropriate nonprofessional relationship insofar as she lent her car to client X and/or gave client X money, but that Respondent did it out of fear for her own personal safety.
4. On September 15, 2014, after Respondent states that she felt further threatened by this client, Respondent informed her supervisor that she had taken out a warrant on client X. Respondent did not consult with other professionals or her supervisor to address this situation until after Respondent took out the warrant.
5. Respondent admits that her conduct as set forth above in paragraph numbers 2 through 4, could, under certain circumstances be viewed as potential violations of the following sections of the American Counseling Association Code of Ethics (2005): A.5.c. (nonprofessional interactions or relationships); C.2.d. (monitor effectiveness); and the following sections of the American Counseling Association Code of Ethics (2014): A.6.b. (extending counseling boundaries); C.2.d. (monitor effectiveness) and C.2.e. (consultations on ethical obligations); and could, under certain circumstances, constitute potential violations of N.C. Gen. Stat. '§ 90-340(a)(9) & (13) of the Licensed Professional Counselors Act. Respondent did not act with the intent to violate any such provisions, and does not admit any such violations, but agrees that this Consent Order is the most effective way to deal with any such possible violations.

6. The Board and Respondent in lieu of any further proceedings, enter into this Consent Order.
7. 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.
8. 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.
9. 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.
10. 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 shall undergo a fitness for practice evaluation by a Board designated evaluator within three months of the execution of this Consent Order, otherwise Respondent's license shall be suspended. All costs associated with this fitness for practice evaluation shall be borne by Respondent.
- II. Once the fitness for practice evaluation is completed, and if it is determined that Respondent is fit to practice counseling, she may continue the practice of counseling, and her license shall be on PROBATION for a one year period during which she shall successfully complete the following:
 - A. For a period of one year, Respondent shall be supervised by a Board approved LPCS (Licensed Professional Counselor Supervisor), with whom she has no pre-existing relationship, for one hour of individual face to face supervision for 40 hours of counseling practice, with no less than one supervision session per month. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. The Board approved supervisor shall file quarterly supervision reports with the Board on the Board created form. At the conclusion of one year 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 in all of the

supervision reports in order to be released from the supervision. If her ratings are not at least average, the period of time for which she did not receive average ratings shall not count for the one year period of supervision, and she shall continue in supervision until she receives at least average ratings for 1 year. At the conclusion of one year of supervision, so long as Respondent's ratings are average or above on all supervision reports, the Board Chair shall provide her with written approval of her release from supervision. Any costs and associated expenses of this supervision shall be borne by the Respondent.

- B. Respondent shall complete 6 hours of continuing education: 3 hours in the area of ethics; and 3 hours in the area appropriate boundaries with clients. Respondent shall not begin this coursework until it is approved by the Board. Upon successful completion of this continuing education coursework, Respondent shall submit a certification 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.
- C. The Board may require additional conditions, within its discretion, based upon the fitness for practice evaluation.

III. Upon successful completion of the conditions of probation set forth in Roman Numeral II. A through C, Respondent shall be released from probation by the Board.

IV. Based upon the fitness for practice evaluation, if it is determined that Respondent is not fit to practice counseling, then Respondent's license shall be suspended for a period of one year. After the passage of one year, she may then undergo another fitness for practice evaluation by a Board designated evaluator (at her expense), and if it is determined that she is fit to practice at that time, then the provisions in Roman Numeral II begin. If she is not determined to be fit to practice at that time, her license shall be REVOKED. Respondent may request a hearing pursuant to N.C.G.S. § 90-334(j) and Article 3A of Chapter 150B of the North Carolina General Statutes to contest a determination that she is not fit to practice counseling and any subsequent suspension or revocation of her license to practice under this Paragraph.

V. 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.

VI. 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.

This the 17th day of September (KHB), 2015.
23rd August

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn
Katherine H. Glenn, Ph.D., LPCS date
Board Chairperson

Elizabeth Duffy ^{MA, L.C.A.S.A.}
Elizabeth Duffy, LPC date 8/23/15
Respondent

John C. Hunter 8/26/15
John C. Hunter date
Attorney at Law
Attorney for Respondent