

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

IN THE MATTER OF: )  
 )  
MELISSA AUSTIN, LPC )  
Respondent. )  
Case Numbers 1581 & 1594 )

**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 July 27, 2017, pursuant to a charge letter issued by the Board on February 22, 2017, 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. In case number 1581, Respondent appeared not to remain objective in the provision of counseling services, as reflected in a letter to the Court, dated December 23, 2010, and by Respondent’s use of inflammatory and accusatory language with another professional in a letter, dated October 17, 2014.
3. In case number 1594, for client IB, Respondent did not provide any sessions notes for 12 dates from 2/6/13 through 10/12/15. For client AB, Respondent did not provide any sessions notes for 27 dates from 2/6/13 through 11/24/15. In addition, Respondent refused to release counseling records when requested by the father of the children who were in counseling with Respondent. Respondent eventually produced the session notes and released the records.
4. Respondent admits that her conduct as set forth above in paragraph numbers 2-3, constitutes violations of Sections A 1.b., A 3., B 6.a., D 1.a., and D 1.b. of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(9) & (a)(15) of the North Carolina 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. Respondent has voluntarily undergone a fitness for practice evaluation and completed continuing education coursework regarding this matter. As a result of Respondent's conduct in this matter and the recommendations from the fitness for practice evaluation, Respondent's license as a Licensed Professional Counselor shall be placed on PROBATION for a period of one year during which:

A. Respondent shall be supervised for a period of one year by a Board approved supervisor for one hour of individual face to face supervision for every 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 the practice of counseling. Respondent shall share the fitness for practice evaluation with her Board approved supervisor.

B. Respondent's supervisor shall submit quarterly supervision reports with the Board at the end of each quarter of supervision specifically commenting on whether the issues in the fitness for practice evaluation were addressed. At the conclusion of the 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 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.

C. The supervision shall focus on supervision of Respondent's counseling practice,

including review of all client records to ensure proper record keeping, and review of all communications with other professionals and the courts. The supervisor shall also focus on the issues raised in the fitness for practice evaluation.

D. Respondent shall fully cooperate with other professionals and the Board and shall timely respond to all communications from the Board.

II. Upon successful completion of the conditions set forth in Roman Numeral I. A-D., Respondent may make a written request that the Board release her from probation, which the Board shall grant so long as all conditions have been successfully completed.

III. 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.

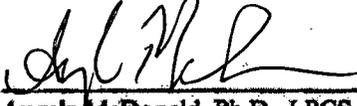
IV. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

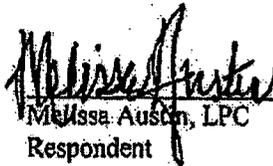
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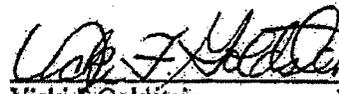
This the 27 day of July, 2017.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED PROFESSIONAL COUNSELORS

BY:   
Angela McDonald, Ph.D., LPCS date  
Board Chairperson

, LPC 7/13/17  
Melissa Austin, LPC date  
Respondent

 7/13/17  
Vicki F. Goldstein date  
Attorney at Law  
Attorney for Respondent