

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

IN THE MATTER OF: )

JOHN SAMUEL MCMILLAN, LPC )

Respondent. )

No. 1593 )

**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 April 13, 2018, pursuant to a charge letter issued by the Board on December 1, 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 (LPC) 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 August 8, 2016, Respondent pled guilty to assault on a female as a result of having sexual contact with his then 15 year old step daughter, by inappropriately touching her without her consent, on or about January 1, 1984. Respondent is currently under probation, for a two year period, which ends on August 8, 2018. On September 1, 2016, Griff Gilbert, MSW, LCSW, conducted a psychosexual assessment on Respondent.
3. In Mr. Gilbert’s assessment he recommended that Respondent enter into an outpatient sex offender treatment program. He further recommended a period of monitoring from the Department of Community Corrections. He also recommended that Respondent be assessed by a psychiatrist to assess for pharmacology related to his mental health diagnoses. Respondent is in compliance with all of Mr. Gilbert’s recommendations and is currently under the treatment of a psychiatrist and has completed the outpatient sex offender treatment program.
4. Respondent admits that his conduct as set forth above in paragraph number 2 violates: Section C.2.g., of the American Counseling Association Code of Ethics (2014); and N.C. Gen. Stat. § ' 90-340 (a)(2), (a)(9) and (a)(11) of the NC 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's license as a Licensed Professional Counselor is placed under PROBATION for a period of one year during which he shall complete the following.

II. Respondent shall complete six hours of in person (not online) continuing education coursework in the area of appropriate boundaries/relationships with clients from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603. 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's counseling practice shall be monitored by a Board designated practice monitor for one hour of individual face to face monitoring per week during any week in which he practices counseling with no less than two monitoring sessions per month. Respondent must file a practice monitoring contract prior to the beginning of the monitoring. The practice monitoring contract must be filed with the Board office no later than one month after entry of this Consent Order. The Board designated practice monitor is Laurie Percival Oates. However, if Ms. Oates is not available to serve in this role the Board will designate another practice monitor.

IV. The practice monitor shall submit quarterly monitoring reports to the Board on the Board

practice monitoring form. At the conclusion of the one year of monitoring, the practice monitor shall submit a Final Monitoring Report to the Board. If after one year of monitoring of Respondent's practice, the practice monitor believes that monitoring should continue, then it shall continue for an additional year under these same conditions. Any costs and associated expenses of this monitoring shall be borne by the Respondent.

V. Upon successful completion of the conditions set forth in Roman Numeral II through VI, Respondent may make a written request that the Board release him from the practice monitoring, which the Board shall grant so long as all conditions have been successfully completed.

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.

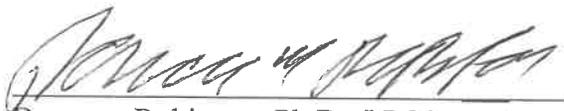
VII. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

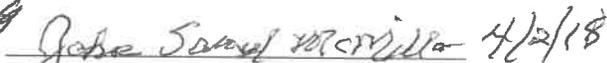
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This the 12<sup>th</sup> day of April, 2018.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED PROFESSIONAL COUNSELORS

BY:  4/13/18  
Denauvo Robinson, Ph.D., LPCS      date  
Board Vice Chairperson

 4/2/18  
John Samuel McMillan, LPC      date  
Respondent

 4/2/18  
Bruce Kaplan      date  
Attorney for Respondent