

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED PROFESSIONAL
COUNSELORS

IN THE MATTER OF:)

ROBYN KING,)
Petitioner.)

FINAL DECISION

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on April 13, 2017. A Notice of Hearing was served on Petitioner on March 17, 2017, notifying her that the hearing would take place on April 13, 2017, at 9 a.m., or as soon thereafter as possible at 7 Terrace Way, Greensboro, North Carolina 27403. Petitioner was present at the hearing and appeared on her own behalf. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Petitioner and accepted exhibits into evidence in a public session. After hearing the closing arguments, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. Petitioner applied for licensure with the Board as a Licensed Professional Counselor Associate (LPCA) on or about August 18, 2016. (Board Exhibit Number 4).
2. In Petitioner's application for licensure she disclosed that she had been convicted of an offense involving the taking of illegal drugs or the consumption of alcohol. (Board Exhibit Number 4).
3. Petitioner included a letter of explanation with her application for licensure regarding her legal history. She explained that she has had several convictions involving drugs and alcohol, included several driving while impaired and possession of drugs convictions. (Board Exhibit Number 5).
4. At the request of the Board, Petitioner submitted to a substance use/abuse evaluation and fitness for practice evaluation. (Board Exhibit Number 9).
5. At the December 16, 2016, meeting of the Board, the Board proposed to deny Petitioner's application for licensure. (Board Exhibit Number 3)

6. The Board proposed to deny Petitioner's application for licensure based upon Petitioner's convictions of the following: August 2016, driving while impaired; September 2008, driving while impaired and driving while license revoked; July 2008, driving while impaired, driving while license revoked, and felony possession of schedule II drugs (cocaine); 2000, resisting officer/disorderly conduct; and 1998, driving while impaired. (Board Exhibit Number 3).
7. Petitioner was placed on probation with suspended sentences in each of these cases and did receive jail time in 2008. (Board Exhibit Numbers 5 and 9).
8. Petitioner explained that she relapsed in 2015 due to unexpected stressors in her life, which resulted in the August 2016 driving while impaired conviction. (Board Exhibit Number 5).
9. Dr. Robert Horne, Ph.D., LPC, LCAS, completed the substance use/abuse evaluation and fitness for practice evaluation on Petitioner. (Board Exhibit Number 9).
10. Dr. Horne determined that Petitioner meets the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) criteria for alcohol use disorder-mild (in sustained remission). (Board Exhibit Number 9).
11. Dr. Horne noted that Petitioner's history of alcoholism has included periods of relapse, with the most recent in 2015 resulting in a conviction of DWI. (Board Exhibit Number 9).
12. Dr. Horne noted that in any case involved alcohol or substance abuse disorder there is always the possibility of a relapse.

CONCLUSIONS OF LAW

- I. The Board has jurisdiction of the subject matter of this contested case and over the Petitioner.
- II. Pursuant to N.C. Gen. Stat. § 90-340(a), the Board may deny, suspend, or revoke licensure, discipline, place on probation, limit practice, or require examination, remediation, or rehabilitation of any person licensed under this Article one or more of the following grounds:
 - (2) Has been convicted of or entered a plea of guilty or nolo contendere to any misdemeanor involving moral turpitude, misrepresentation, or fraud in dealing with the public, or conduct otherwise relevant to fitness to practice professional counseling, or a misdemeanor charge reflecting the inability to practice professional counseling with due regard to the health and safety of clients or patients.
- III. Petitioner's conduct violates N.C. Gen. Stat. § 90-340(a)(2), which alone warrants the limitations placed on her application for licensure by the Board.

IV. The Board considered the eight factors under N.C. Gen. Stat. §93B-8.1, in reaching its decision to place limitations on Petitioner's licensure by the Board.

NOW, THEREFORE, THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS ORDERS:

- I. Petitioner, Robyn King, is hereby licensed as an LPCA under the following conditions:
 - A. Petitioner shall submit to an alcohol and drug test conducted by a drug testing lab every three months for the duration of time that Petitioner is licensed as an LPCA.
 - B. Petitioner shall submit to an alcohol and drug test within one month of her application for licensure as an LPC.
 - C. Petitioner shall complete a minimum of 5 continuing education credit hours per year for two years related to substance abuse prevention, which are completed under a continuing education provider approved in Rule .0603. These continuing education hours shall not count toward the required continuing education hours under Board rule .0603(b).
 - D. As an LPCA, Petitioner's Board approved supervisor must be licensed as an LPCS. Petitioner must have no prior relationship with her approved supervisor. Petitioner shall provide a copy of the substance use/abuse evaluation by Dr. Horne and this final decision to her board approved supervisor.
 - E. Once Petitioner applies to become licensed as an LPC she shall submit to a substance use/abuse evaluation and fitness to practice evaluation within one month of the date of her application by an evaluator designated by the Board.

- II. The Board shall maintain this Final Decision 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 27 day of July, 2017.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY: 

ANGELA MCDONALD, PH.D., LPCS
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

I, Tammi Lee, Administrator of the North Carolina Board of Licensed Professional Counselors, do hereby certify that I have this day served a copy of the foregoing **FINAL DECISION** upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Robyn King
705 Broad Street
Beaufort, North Carolina 28516

Sondra C. Panico
Assistant Attorney General
Service to State Agencies
Post Office Box 629
Raleigh, North Carolina 27602

This the 28th day of July, 2017.



Tammi Lee, Administrator
North Carolina Board of Licensed
Professional Counselors