

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
TRACEY SUGGS, LPCA)
Respondent.)
)
Case Number 1658)

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 12-13, 2018, pursuant to a Charge Letter issued by the Ethics Review Committee of the Board on March 22, 2018; 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 Associate (LPCA), 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. Respondent admits the following:
 - a. While employed as a Licensed Professional Counselor Associate in North Carolina, Respondent billed Medicaid for counseling services with three members of one family who Respondent did not see for counseling services. Respondent falsified over 50 progress notes and billed Medicare for counseling services to three minor clients for the period of time from October 2016 through March 2017, even though she did not provide counseling services to them. The agency for whom Respondent was employed reimbursed Medicaid for the falsified services.
 - b. Respondent admitted having billed for counseling services that she did not provide, but stated that during this time period she was experiencing emotional difficulties.
 - c. Respondent did not respond to this complaint until November 30, 2017, when contacted by the Board investigator, despite having signed for receipt of the complaint on September 19, 2017.
3. Respondent admits that the conduct described in Paragraphs 2a through c above, constitutes violations of Sections A.1.b., A.4.a., A.12., B.6.a., C.2.g., C.6.b., and I.3. of the American

Counseling Association Code of Ethics (2014), and violations of N.C. Gen. Stat. §§ 90-340 (a)(4), (a)(9), (a)(10), (a)(11) & (a)(15) of the NC Licensed Professional Counselors Act.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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 and findings,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. The license of the undersigned Respondent is hereby REVOKED, effective May 18, 2018.

II. No later than May 18, 2018, Respondent shall cease to engage in any activities that meet the definition of the practice of counseling under N.C. Gen. Stat. § 90-330(a)(3), or fall under the prohibitions set forth in N.C. Gen. Stat. § 90-331.

III. No later than May 18, 2018, Respondent shall turn in her original license to practice counseling to the Board Office to the attention of Stefon Plummer, Board Administrator, North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417. No later than May 18, 2018, Respondent shall also submit an Affidavit to the Board office attesting that she has ceased to engage in any activities that meets the definition of the practice

of counseling, as defined in NC. Gen. Stat. § 90-330(a)(3), or fall under the prohibitions set forth in N.C. Gen. Stat. § 90-331.

IV. Should Respondent apply to this Board for licensure at any time in the future, the Board shall have access to its entire investigative file for purposes of considering such application.

V. The failure of Respondent to abide by any provisions of this Consent Order shall result in further action by the Board, including seeking an injunction in Superior Court, 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.

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This the 12 day of April, 2018.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: Wayne Mixon 4/12/18
Wayne Mixon, MBA date
Board Chairperson

Tracey Suggs 4/5/18
Tracey Suggs, EPCA date
Respondent 4/5/18