

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
MICHAEL KERNS, LPC)
Respondent.)
No. 1715)

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 25-26, 2019, pursuant to a charge letter issued by the Board on October 5, 2018, 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. During the period from on or about June 15, 2016 to on or about June 1, 2017, Respondent provided counseling services as an LPC, to client NH, at a mental health services practice in North Carolina. On or about early September 2016, the client disclosed to Respondent that she had romantic feelings for him during her counseling session. During the time Respondent provided counseling services to NH, Respondent failed to maintain appropriate professional boundaries in that he solicited her to write a testimonial, accepted a gift from her, and extended an agreement about texting with NH. On or about January 27, 2017, NH confronted Respondent about these boundary issues and the negative emotional distress these boundary extensions had on her. When the client expressed her desire to end counseling services because she felt the therapeutic relationship to be irreparable, Respondent continued to provide counseling services to her, and during that treatment, the client experienced further emotional distress.
3. Respondent appeared to have failed to maintain appropriate and specific documentation of counseling services and to document these boundary extensions. In addition, the last several of Respondent’s notes appeared similar for each session and lacked specificity.
4. Respondent admits that his conduct as set forth above in paragraph number 2-3 violates Sections A.1.b., A.4.a., A.6.b., A.6.c., B.6.a., and C.3.b., of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(9) and (a)(10) of the North Carolina Licensed Professional Counselors Act. In addition, the Board contends that Respondent’s conduct as set forth above in paragraph number 2-3 violates Sections A.1.a., A.10.f, A.11.c, A.11.d, and H.4.f; notwithstanding that Mr. Kerns denies violating those sections.

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 shall be placed on PROBATION for a period of one year or until he successfully completes the following, whichever takes longer to occur:

II. Respondent shall complete ten hours of continuing education coursework in the area of appropriate boundaries with clients, managing transference issue with clients and record keeping, which meet the requirements of 21 NCAC .0603, which may either be completed in person or online. 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 .0603. 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 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 week of counseling practice, regardless of the hours of practice. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. The supervision contract must be filed

with the Board office no later than one month after this Consent Order is signed by the Board.

IV. Respondent's supervisor shall submit quarterly supervision reports with the Board at the end of each quarter of supervision. 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 his 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

V. Respondent shall provide this Consent Order to his Board approved supervisor and to any subsequent supervisors, if applicable.

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

VII. The failure of Respondent to abide by any provisions of this Consent Order, if proven true 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.

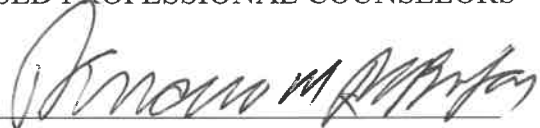
VIII. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

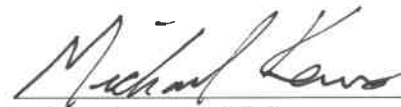
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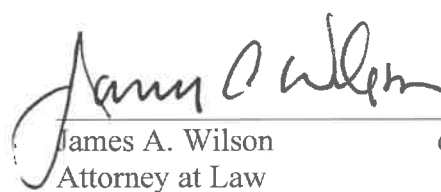
This the 22 day of JULY, 2019.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: 
Denuvo Robinson, Ed.D., LPCS date
Board Vice Chairperson

 07-22-2019
Michael Kerns, LPC date
Respondent

 22 July 2019
James A. Wilson date
Attorney at Law
Attorney for Respondent