

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:)
)
Allison Swarts, LCMHC)
Respondent)
No. 18042)

CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Clinical Mental Health Counselors [“the Board”], regarding pending complaint number 2102; 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, exclusively for the purposes of this disciplinary proceeding and any future potential proceedings by, against, or involving the Board, that:

1. Respondent is a licensed clinical mental health counselor [“LCMHC”] and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Clinical Mental Health Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. The Board issued an associate counseling license to Respondent on August 25, 2022. On September 11, 2024, Respondent became a fully licensed counselor and currently is a licensed clinical mental health counselor [“LCMHC”], which license she renewed through June 30, 2026.
3. The Board’s Ethics Review Committee found probable cause that Respondent engaged in the following conduct while licensed by the Board:
 - a. Respondent abruptly left her position as a counselor, citing personal issues and potential mental health concerns, and left her phone on a desk at the office.
 - b. Complainant, the owner of the practice, contacted her staff to cancel all of Respondent’s appointments for that day because of Respondent’s abrupt departure.
 - c. As appointments were being cancelled, Complainant saw text messages coming in from Respondent’s partner demonstrating that he could see she was cancelling her appointments.
 - d. Upon further investigation, Complainant discovered that Respondent’s partner had access to Simple Practice and could see her clients’ confidential and protected health information [“PHI”].

- e. While Complainant was withdrawing Respondent's and her partner's unauthorized access to the system and working to determine which clients' PHI was affected, she noted that Respondent had not completed notes from 255 sessions she had conducted prior to her abrupt departure .
- f. Once informed by Complainant that she needed to prepare her notes for past sessions, Respondent created a Google doc, drafted notes from memory, and submitted the Google doc for the 255 missing notes spanning back over the nine months prior to her sudden departure.

4. The Committee concluded that Respondent's conduct, as set forth in Paragraph 3 above, violated Sections A.1.a., A.1.b., B.1.c., B.6.a., and B.6.b. of the American Counseling Association Code of Ethics (2014) ["ACA Ethics Code"] and N.C. Gen. Stat. § 90-340 (a)(7) and (9) of the North Carolina Licensed Clinical Mental Health Counselors Act. Based on the circumstances surrounding and your explanation for your sudden departure, the Committee also was concerned about the potential implication of Section C.2.g. of the ACA Ethics Code and N.C. Gen. Stat. § 90-340 (a)(11).

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. 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.

7. Respondent understands and agrees that this Consent Order must be presented to the Board for review and potential approval and shall be effective only after approval by the full Board and entered by signature of its Chairperson.

8. Respondent further agrees that presentation of this Consent Order to the Board for review and potential 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 if the Board rejects the Consent Order and a contested case hearing is required in this case.

9. Respondent has read this entire Consent Order, assents to its terms and conditions, and agrees not to contest the findings, conclusions, or order in any future potential proceedings by, against, or involving the Board. By entering into this Consent Order, Respondent is not making any admissions for any current or future proceedings, other than those by, against, or involving the Board.

10. 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 Respondent may be entitled by law.

11. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court or before the Board in the future.

12. Upon entry of the Consent Order, Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Clinical Mental Health Counselors, and all its members, officials, agents, counsel, 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.

13. Respondent understands that entry of this Consent Order as a public record, mandatory reporting, and its distribution may have adverse consequences in other contexts, which shall not be the basis for reconsideration of its terms in the future.

14. Respondent was not represented in connection with the execution of this Consent Order. The Board was represented in this Consent Order by Douglas Brocker of The Brocker Law Firm, P.A.

15. Respondent agrees to service of the fully executed Consent Order to the email she provided to the Board and waives service by any other method.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent's license number 18042 is placed on PROBATION, provided she complies with all the following conditions:

- a. Respondent shall complete a minimum of 2,000 hours of supervised clinical mental health practice under these conditions:
 - i. The supervisor shall be approved by the Board, pursuant to Administrative Rules 21 NCAC 53 .0702 and 21 NCAC 53 .0801, to supervise Respondent's professional practice ["Supervisor"], prior to the beginning of supervision;
 - ii. The supervision contract shall be filed with the Board office no later than 60 days from the date the Consent Order is entered by the Board;
 - iii. Respondent shall provide a copy of the Consent Order to her Supervisor. The Supervisor(s) shall confirm the receipt of the Consent Order in the first supervision report;
 - iv. Of the required 2,000 hours of supervised clinical mental health practice, 1,320 hours shall be direct service to clients;

- v. The supervised experience shall be completed at a rate of no more than 40 hours per week (one hour of supervision per 40 hours of professional practice);
 - vi. The Supervisor shall file quarterly reports and a final report with the Board. Respondent is responsible for ensuring the Supervisor submits the quarterly reports to the Board no later than January 30, April 30, July 30, and October 30 for the previous quarter; and
 - vii. Respondent shall bear any costs and associated expenses of the supervision.
- b. Within 90 days from the date the Consent Order is entered by the Board, Respondent shall complete the following additional 6 CE hours approved in advance by the Board consisting of three hours each on: (i) confidentiality and (ii) records and documentation. This coursework requirement shall be in addition to the continuing education coursework required for all licensees under the Board's Administrative Rules. All costs associated with this continuing education requirement shall be borne by Respondent. Upon successful completion of this continuing education coursework, Respondent shall submit to the Board a certificate of completion provided by the continuing education sponsor.
 - c. Respondent shall submit to a professional screening by North Carolina Professionals Health Program ("NCPHP") within 30 days from the date this Order is entered by the Board and shall follow all recommendations from the screening. Respondent agrees to allow the Board to provide pertinent information to NCPHP for the screening and to sign a release permitting NCPHP to provide the Board with the results of the screening and any resulting follow up. Respondent also agrees to comply with any of NCPHP's recommendations.
 - d. Respondent shall not violate any provision of the Licensed Clinical Mental Health Counselors Act and the Board's rules and regulations, including the ACA Code of Ethics.
 - e. Respondent shall submit to interviews by the Board or its authorized agent and arrange for the Board or its agent to interview her employer, employees, and co-workers during regular office hours or at such other times as are mutually convenient.
 - f. Respondent shall comply with all requirements for renewal of licensure, including continuing education and payment of fees.
 - g. Respondent shall keep the Board apprised of her current address, phone number, and email and notify the Board of any change to that contact information no later than ten days after it becomes effective.

II. Respondent may petition the Board to be released from Probation once she has completed the requirements set forth in Paragraph I above and provides supporting documentation or evidence that she has satisfied all conditions. Respondent shall remain on Probation until the Board grants such a Petition.

III. The Board recognizes that the conditions, limitations, or requirements set forth in this Consent Order may present Respondent with certain practical difficulties. The Board concludes that each one is necessary to ensure public protection, and it does not intend to modify or eliminate any of the conditions, limitations, or requirements set forth herein based on such potential difficulties, except as noted in Paragraph II.

IV. The Board shall retain jurisdiction of this matter and Respondent to enforce the provisions herein or enter orders as necessary in the future.

V. If Respondent fails to comply with any provision of this Consent Order or breaches any term or condition thereof, the Board shall promptly schedule a public Show Cause Hearing to allow Respondent an opportunity to show cause as to why Respondent's license shall not be suspended for violating a valid order of the Board. If after the Show Cause Hearing, the Board is satisfied by a preponderance of the evidence that Respondent failed to comply with or breached any term or condition of this Consent Order, the Board shall suspend her license and also may enter such other discipline or conditions as the evidence warrants for proven violations of the Licensed Clinical Mental Health Counselors Act or of the Board's Rules occurring after entry of this Consent Order.

VI. This Consent Order shall constitute action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a) and (b).

VII. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f), shall submit a report to the National Practitioner Databank, 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. Other than this Consent Order, all documents obtained, collected, or compiled by the Board in this matter shall remain confidential pursuant to N.C. Gen. Stat. § 90-340(f).

VIII. This Order is effective as of the date it is signed by the Chair and served on Respondent to her email address.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF LICENSED
CLINICAL MENTAL HEALTH COUNSELORS

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|-----|---|---------|
| BY: | <div style="font-size: 8px; margin-bottom: 2px;">Signed by:</div>  | 4/24/26 |
| | <div style="font-size: 8px; margin-bottom: 2px;">E414DBD989A3497...</div> Dr. Yasmin Gay, LCMHCS Board Chairperson | Date |

RESPONDENT:

Allison Swarts




02 / 24 / 2026

Allison Swarts

Date

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