

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
KIMBERLY JACKSON, LPC)
Respondent.)
No. 1456)

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 December 4, 2014, pursuant to a Charge Letter issued by the Ethics Review Committee of the Board on June 2, 2014; 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. The Board contends that it could establish at a hearing the following: Respondent led a support group for sexual abused women. Respondent encouraged group members to check on one another outside of the group and to assist Respondent with counseling other group members when Respondent was concerned about a group member’s safety; Respondent also shared confidential client information about group members with other group members. Respondent contends that at hearing she could provide evidence in explanation and defense of these allegations.
3. The Board contends that Respondent’s conduct was potentially harmful to Respondent’s clients. Further, based upon Respondent’s sharing of confidential information between clients, Respondent’s conduct appears to have violated client confidentiality.
4. Respondent recognizes that her conduct could be found to violate Section A 4a, A 8b, B 1c, of the American Counseling Association Code of Ethics and N.C. Gen. Stat. § § 90-340 (a)(9), and (a)(10) of the 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 any potential harm to clients and/or former clients of Respondent 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 shall undergo a fitness for practice evaluation by a Board designated evaluator. Once the evaluation is complete, the Board, within its discretion, based upon the evaluation report, will determine whether to place additional conditions on Respondent's license during the Probationary period set forth in Roman Numeral III. All costs associated with this fitness for practice evaluation shall be borne by Respondent. The fitness for practice evaluation must be completed no later than March 31, 2015, otherwise Respondent's license shall be suspended.

II. If the fitness for practice evaluator finds that Respondent is not fit to practice, Respondent's license shall be revoked. Respondent shall be entitled to a hearing to contest such revocation. If the Board places additional conditions on Respondent's license she shall be entitled to a hearing to contest such additional conditions.

III. Following the completion of the fitness for practice evaluation, if the evaluator determines that Respondent is fit to practice, Respondent's license as an LPC shall be placed under the following CONDITIONS:

A. Respondent shall complete 3 hours of continuing education in the area of ethics. Respondent shall not begin this coursework until it is approved by the Board. Upon successful completion of this continuing education coursework, Respondent shall submit a certification 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.

B. For a period of six months, Respondent shall be supervised by a Board approved supervisor, and with whom she has no pre-existing relationship, for one hour of individual face to face supervision every other week in which she engages in counseling, with no less than two supervision sessions per month. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. The Board approved supervisor shall file a supervision report with the Board at end of three months of supervision. At the conclusion of the six months of supervision, Respondent's Board approved supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from her supervisor in all of the supervision reports in order to be released from the supervision. If her ratings are not at least average, the period of time for which she did not receive average ratings shall not count for the six month period of supervision, and she shall continue in supervision until she receives at least average ratings for six months. At the conclusion of the six months of supervision, so long as Respondent's ratings are average or above on all supervision reports, the Board Chair shall provide her with written approval of her release from supervision. Any costs and associated expenses of this supervision shall be borne by the Respondent.

IV. Upon successfully completion of the conditions set forth in Roman Numeral III A and B, Respondent shall be released from the conditions of this Consent Order.

V. 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.

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.

VII. Respondent has consulted Norman Klick of the law firm of Carruthers and Roth, PA, and is signing this document after having consulted said counsel and after this document has been reviewed by said counsel.

This the 4^m day of December, 2014.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: Gwendolyn K Newsome 12/3/14
Gwendolyn Keith Newsome, Ph.D., LPCS date
Board Vice Chairperson

Kimberly Jackson MA LAC
Kimberly Jackson date 11/4/14
Respondent