

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
NICOLE BEACH, LPC)
Respondent.)
No. 1485)

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 Board on September 12, 2014, 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. Respondent provided counseling services to three daughters; ages 12 (client Z), 10 (client Y), and 6 (client X), whose parents were involved in a high conflict divorce. The mother of the three girls arranged for Respondent to provide counseling. She informed Respondent that she was the primary decision maker.
3. Respondent provided counseling to the three children together; however billing records were coded for individual therapy. Respondent did not use any type of group process with the girls and saw the girls without conducting a social or developmental history on each of them.
4. Respondent did not request a copy of the child custody order in this matter and had not seen one. Respondent also did not attempt to contact the girls’ father over the course of services Respondent provided to his daughters. Respondent did not respond to the children’s father who purportedly attempted to contact Respondent and had joint custody of the children.
5. When asked during an emergency child custody hearing if Respondent thought the daughters were in danger when they were with their father, Respondent testified she believed they were. Respondent formed this opinion without ever talking to the father, meeting with him, or evaluating him. Further, Respondent wrote to the court in her case synopsis the following statements: “it is my clinical opinion that client Z’s father does not like her sassiness or her spunk.” . . . “My clinical concern for client X is that she is not being monitored in important areas when in her father’s care

and then inappropriately monitored in other areas.”

6. In addition Respondent stated, “It is my opinion, in the best interest and safety for the girls, that full custody be given to [mother] with supervised visits through CPS or another agency to [the father] as the court allows. I believe that all three girls are quite literally in danger when they are with their father especially after this emergency court session to stop visitation.”

7. When asked about Respondent’s basis for the above described written opinion, Respondent stated that it was based solely on what the girls told her. Respondent made observations and formed opinions which were submitted to the court regarding the father without having a sufficient basis for them.

8. Respondent admits that her conduct as set forth above in paragraph numbers 2-6, could be construed as violating N.C. Gen. Stat. §§ 90-340 (a)(9), (a)(12) & (a)(15) of the Licensed Professional Counselors Act, and Sections A 1a, A 1b, A 1c, A 1d, B 1b, B 1c, B 5b, C 2a, C 6b, E 6a and E 13a of the American Counseling Association Code of Ethics (2005).

9. 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.

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 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.

11. 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.

12. 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.

13. 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 the time it takes to successfully complete the following, whichever is shorter:

A. Respondent shall complete six hours of continuing education coursework consisting of three hours in the area of forensic/high conflict divorce, and three hours in the area of proper documentation. 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. 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. Respondent shall not take on any new clients involved in high conflict divorce situations prior to the successful completion of the continuing education in Subparagraph A above.

C. Following successful completion of the requirements in subparagraph A, Respondent shall be supervised for a period of six months by a Board approved supervisor for one hour of individual face to face supervision for every 40 hours of counseling practice, with no less than one supervision session per week. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the beginning of supervision. Respondent's supervisor shall submit a supervision report with the Board at the 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 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.

II. Upon successfully completion of the conditions set forth in Roman Numeral I. A through C, Respondent may make a written request that the Board release her from probation, which the Board shall grant so long as all conditions have been successfully completed.

III. 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.

IV. 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 4th day of December, 2014.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn, PhD, LPCS
Katherine H. Glenn, Ph.D., LPCS date
Board Chairperson

Nicole Beach, MA LPC
Nicole Beach, LPC date
Respondent

Lori Abel Meyerhoffer 10/27/14
Lori Abel Meyerhoffer date
Yates, McLamb & Weyher, LLP
Attorneys at Law
Attorney for Respondent