

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:

Evan Miller, LCMHC
Respondent
No. 14567

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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 2237; 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 for the purposes of this disciplinary proceeding that:

1. Respondent was at all times relevant to this cause a licensed clinical mental health counselor 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 January 22, 2019. On August 19, 2021, Respondent became a licensed clinical mental health counselor [“LCMHC”], which license he renewed through June 30, 2027.
3. The Board’s Ethics Review Committee found probable cause that Respondent engaged in the following conduct while licensed by the Board:
 - a. Complainant is a former client of the Respondent whom he treated for generalized anxiety disorder, panic disorder, borderline personality disorder, and an eating disorder.
 - b. After several years of counseling, Respondent indicated that out-patient counseling was no longer appropriate for Complainant and that she needed in-patient treatment.
 - c. Respondent advised Complainant that he would not continue her counseling if she did not attend and complete the in-patient treatment.
 - d. Complainant ultimately agreed to proceed with the in-patient treatment.
 - e. When Respondent found out that Complainant left the in-patient facility early, Respondent terminated the counseling relationship with her and did not provide any referrals to her to continue counseling or treatment.
 - f. Even though Respondent indicated that he believed out-patient treatment was not appropriate, Respondent was obligated to respond and provide Complainant with referrals to other treatment providers.
 - g. Respondent also discussed details about his treatment of Complainant in a podcast.

- h. Even though Respondent did not use her name, based on the information Respondent shared in the podcast, Complainant was able to identify that Respondent was talking about her and her issues, which was detrimental to her mental health.
4. Respondent's conduct, as set forth above, violated Sections A.1.a., A.4.a., A.11.c, A.11.d., A.12, and H.6.d. of the American Counseling Association Code of Ethics (2014) and N.C. Gen. Stat. §§ 90-340 (a)(9) of the North Carolina Licensed Clinical Mental Health Counselors Act.
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 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 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.
8. 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. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.
9. Respondent was represented by Brooks Peterson with North State Law in connection with the execution of this Consent Order. The Board was represented in this Consent Order by Douglas Broucker of The Broucker Law Firm, P.A.
10. 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.
11. This Consent Order shall constitute disciplinary action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a) and (b). Respondent understands that this Consent Order may have adverse consequences in other contexts, which shall not be the basis for reconsideration of its terms in the future.
12. 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.

13. Respondent agrees to service of the fully executed Consent Order via email to his counsel 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 14567 is suspended, but the suspension is immediately stayed and his license placed on PROBATION, with no active suspension, provided he complies with all the following conditions:

- a. Respondent shall complete a minimum of 1,000 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 his Supervisor. The Supervisor(s) shall confirm the receipt of the Consent Order in the first supervision report;
 - iv. Of the required 1,000 hours of supervised clinical mental health practice, 667 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 20 CE hours approved in advance by the Board consisting of five hours each on: (i) client selection and choice; (ii) proper client termination and referrals to avoid client abandonment; (iii) client confidentiality; and (iv) use of social media and other public mediums by mental health professionals. 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 not be eligible for the Qualified Clinical Supervisor ["QCS"] designation until after his license is released from probationary status, he is restored to good standing, and he meets all the requirements of the QCS designation in effect then. At that time, Respondent can resubmit a request for QCS designation.
- 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 his 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 his 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. 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.

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

IV. 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 III.

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

VI. 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 the suspension of Respondent's license shall not be activated 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 activate the suspension 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.

VII. This Order is effective as of the date it is signed by the Chair and served on Respondent's counsel to his email address.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF LICENSED
CLINICAL MENTAL HEALTH COUNSELORS

BY:  8/21/2025
Signed by:
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Dr. Yasmin Gay, LCMHCS Date
Board Chairperson







RESPONDENT:

 08 / 01 / 2025
Evan Miller Date

 07 / 30 / 2025
Brooks Peterson Date
Counsel for Respondent

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