

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
TRUDY BURGESS, LPC)
Respondent.)
Case Number 1590)

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 October 13, 2016, pursuant to a charge letter issued by the Board on July 26, 2016, 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. On or about August 16, 2007, Respondent began providing counseling services to client X. Respondent met with him in individual counseling sessions until December 6, 2007, at which time Respondent began seeing client X in couples’ therapy with client Y, who was client X’s wife. Couples counseling was terminated on or about July 6, 2010. During the time frame that Respondent provided couples’ counseling services to client X and client Y, Respondent provided five adjunctive individual counseling services to client X, on an as needed basis, specifically February 29, 2008, January 20, 2009, April 10, 2009, June 22, 2009, and June 1, 2010. From October 29, 2007 through August 4, 2009, Respondent also provided client Y, with adjunctive individual counseling services.
3. On or about January 2014, Respondent entered into a sexually intimate relationship with client X, who Respondent terminated counseling with in July, 2010.
4. Respondent admits that her conduct violates N.C. Gen. Stat. §§ 90-340 (a)(9) of the Licensed Professional Counselors Act and Sections A. 5.c. of the American Counseling Association Code of Ethics (2014); and A. 5.b. of the American Counseling Association Code of Ethics (2005).
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 an LPC is hereby **SUSPENDED** for a period of six months beginning on October 17, 2016, provided the Board approves her release from the suspension, as set forth below.

II. During the suspension, Respondent shall cease to engage in any activities that meet the definition of the practice of counseling under N.C. Gen. Stat. § 90-330(a)(3), or fall under the prohibitions set forth in N.C. Gen. Stat. § 90-331. She may engage in any activities that do not require licensure as an LPC.

III. Respondent shall submit an affidavit no later than October 18, 2016, attesting that she is no longer engaged in the practice of counseling as set forth in Paragraph II above, for the six month suspension period as set forth herein.

IV. During the six months suspension of Respondent's license she shall submit to a fitness for practice evaluation by a Board designated evaluator. Any expenses associated with the fitness for practice evaluation shall be borne by the Respondent. If Respondent is determined to be fit to practice by the Board, then Respondent shall return to practice once she receives Board approval, through the Ethics Chair, after the six month suspension.

V. If Respondent is determined not to be fit to practice by the Board, then her license shall remain suspended.

VI. Following the six month suspension, if Respondent is determined to be fit to practice by the Board, Respondent's license as an LPC shall be placed on PROBATION for a period of two years during which:

A. Respondent shall complete twelve hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603(c), in the area of ethics with a focus on appropriate boundaries with clients and former clients. 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 beginning of the probationary period.

B. Respondent shall be supervised for a period of two years by a Board approved supervisor, who is an LPCS, for one hour of individual in person supervision for every 30 hours of counseling practice, with no less than two supervision sessions per month, except as provided in Subparagraph C. The supervisor must be someone with whom Respondent has no prior personal relationship. 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 quarterly supervision reports with the Board at the end of each quarter of supervision. At the conclusion of the two years 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.

C. If after one year of supervision, as set forth in Subparagraph B, Respondent has received at least average ratings on all quarterly supervision reports, upon Respondent's written request, her supervision will be reduced to one hour of individual in person supervision for every thirty hours of counseling practice with no less than one supervision session per month. The supervisor, who must be an LPCS, must be someone with whom Respondent has no prior personal relationship. 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 quarterly supervision reports with the Board at the end of each quarter of supervision. At the conclusion of this 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 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.

D. The Board may place additional conditions on Respondent's license during the probationary period based upon the recommendations of the fitness for practice evaluation.

VII. Upon successful completion of the conditions set forth in Roman Numeral VI. A through D, Respondent may make a written request that the Board release her from probation, which the Board, through its Ethics Review Chair, shall grant so long as all conditions have been successfully completed.

VIII. 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.

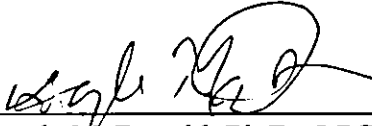
IX. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

This the 14th day of October, 2016.

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CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY:  10/14/2016
Angela McDonald, Ph.D., LPCS date
Board Chairperson

Trudy Burgess, LPC 9/30/16
Trudy Burgess, LPC date
Respondent

Ranee Singleton 9/30/2016
Ranee Singleton date
Ranee Singleton, PLLC
Attorney for Respondent