

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL
COUNSELORS

IN THE MATTER OF:
ALICE HUTTO, LPC
No. 1503
Respondent.

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FINAL DECISION

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on March 13, 2015. A Notice of Hearing was served on Respondent on February 2, 2015, notifying her that the hearing would take place on March 13, 2015, at 11:30 a.m., or as soon thereafter as possible, at the 7 Terrace Way in Greensboro, North Carolina. Respondent appeared on her own behalf. Ms. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Respondent, from client AT, and from Amy Owensby, and accepted exhibits into evidence in a closed session. After hearing the closing arguments, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. At all relevant times the Respondent was a licensed professional counselor licensed by the Board.
2. On February 24, 2014, the Ethics Review Committee of the Board issued a charge letter against Respondent. (Board Exhibit Number 3).
3. Respondent was served with the Notice of Hearing in this matter, dated February 2, 2015. (Board Exhibit Number 1).
4. A complaint was filed with the Board against Respondent by Amy Owensby, LPC. (Board Exhibit Number 4).
5. Respondent filed her own self report in this matter. (Board Exhibit Number 7).
6. Respondent provided individual professional counseling services to Mr. A.T., during the period from July 13, 2009, through May 20, 2013. (Board Exhibit Number 8).

7. Respondent saw AT for counseling every other week for much of the time he was her client. (Board Exhibit 8). Specifically, over the four year period Respondent had 51 appointments with AT. (Board Exhibit Number 11).
8. During the time period that AT was in treatment with Respondent he was taking Prestiq, an anti-depressant. (T p 42). Respondent worked with AT on issues in counseling focusing on family stress, involving his divorces and child custody issues. He also worked on issues over the loss of his father who he had been alienated from prior to his death. (T pp 15, 40).
9. In May 2014, approximately one year after the last counseling session, Respondent and AT entered into romantic relationship. (T pp 14, 33). In April, 2014, AT asked Respondent to go out to dinner and she accepted his invitation. (T p 44).
10. Respondent and AT are currently in the romantic relationship and are engaged to be married. (T p 17).
11. Respondent did not think that entering into a relationship with AT, her former client, was a serious violation, she explained, "based on the way in which the relationship was entered." (T p 18).
12. Respondent did not disclose this relationship with AT until she was confronted by her partners in her counseling practice who learned about it through a confidential relationship. (T pp 16, 26).
13. When the partners confronted Respondent she admitted to the relationship and she was allowed to resign from the practice. (Board Exhibit Number 4).
14. Respondent is currently working in another practice where she calls herself a "life coach." She continues to see clients from her counseling practice and works on such issues as: relationship challenges, family problems, stress management, self-esteem/confidence, ADHD Management, finding purpose and balance in life, grief and loss, career support. (Board Exhibit Number 9, T p 20).
15. Although Respondent states that she is not using her license and is "pursing work outside of mental health," the Board finds that by her own description of the work she is doing she continues to practice counseling, but is calling herself a life coach, and is continuing to treat some of the same clients she treated as a licensed professional counselor. (Board Exhibit Number 7).

CONCLUSIONS OF LAW

I. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.

II. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(9), insofar as she has been guilty of immoral, dishonorable, unprofessional or unethical conduct as defined in this subsection or in the current code of ethics of the American Counseling Association, which alone warrants the disciplinary action taken by the Board.

III. The Respondent's conduct violated A.5b of the American Counseling Association Code of Ethics, which states that sexual or romantic counselor-client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of 5 years following the last professional contact. Respondent's violation of A.5b, of the American Counseling Association Code of Ethics, alone warrants the disciplinary action taken by the Board.

NOW, THEREFORE, the NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS ORDERS:

I. The license of the Respondent, Alice Hutto, is hereby REVOKED.

II. Respondent shall turn in her license to practice counseling in North Carolina to the Board no later than June 4, 2015. She shall mail her original license to: North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.

III. No later than June 4, 2015, Respondent shall terminate services to all of her patients/clients and make provisions for the appropriate transition of her patients/clients to another therapist, as appropriate. Respondent shall also cease to engage in any other activities that meet the definition of the practice of counseling in N.C. Gen. Stat. § 90-330(a)(3). Respondent shall provide a signed affidavit (a written statement made under oath or affirmation taken before a person having authority to administer such oath or affirmation) to the Board no later than June 4, 2015, attesting that she has terminated and transferred all of her patients/clients by June 4, 2015. She shall further attest that she is no longer engaged in the practice of counseling in any way. This includes any practice she is engaged in at Aspire, which meets the definition of the practice of counseling, even though she is calling herself a life coach.

IV. If the Board finds that Respondent is continuing to practice counseling, the Board will seek an injunction in Superior Court against Respondent.

V. The Board shall maintain this Final Decision 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 15th day of May, 2015.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn, Ph.D., LPCS
KATHERINE H. GLENN, PH.D., LPCS
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

I, Katrina Brent, do hereby certify that I have this day served a copy of the foregoing FINAL DECISION upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Alice Hutto
557 10th Street Drive NW
Hickory, NC 28601-3414

This the 15th day of May, 2015.

Katrina Brent
Katrina Brent
Board Administrator