

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
ANNE SHERRY, LPC)
Respondent.)
No. 1506)

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 10, 2015, pursuant to a charge letter issued by the Board on June 24, 2015, 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 February 14, 2012, Respondent distributed an e-mail to two other individuals, whom she supervised. Attached to the e-mail were two versions of the First Commitment examination. The e-mail reads: “I cannot promise this is the same test, most likely is. Please make sure you do not score 100, you can miss up to 17 questions are [sic] something and no one does well on this test. This is major, major, major hush hush!!!”

2A. Respondent has no specific recollection of sending this e-mail, although she does not deny doing so. She does recall discussing the test with Dina Paul, one of the recipients of the e-mail.

2B. Passing this exam is a requirement for qualification to administer the examinations used to commit individuals to state or other psychiatric care. A copy of at least one test had been provided to Respondent, along with hundreds of other documents, by Respondent’s predecessor when Respondent took over the position of Director of Crisis Services, at Appalachian Community Services. Respondent states that she was never informed of the confidential nature of the test, nevertheless the importance of this exam remaining confidential to insure its integrity should have been apparent to Respondent. Respondent acknowledges that her conduct in distributing the test rises to the level of an ethical violation.

3. Respondent admits that her conduct as set forth above in paragraph number 2-2B, violates Section E.10 (maintaining assessment security) of the American Counseling Association Code of Ethics (2005); and violates N.C. Gen. Stat. §§ 90-340(a)(9) & (13) of the Licensed Professional Counselors Act.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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 is hereby SUSPENDED for a period of four months.

II. Respondent has until December 18, 2015 to shut down her practice and terminate/transfer her clients, as necessary. Respondent shall submit an affidavit to the Board within 10 days after she has shut down her practice specifying the date she shut down her practice and that she has transferred or terminated her clients, as necessary.

III. During the 4 months suspension of Respondent's license she shall complete twelve hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603, in the area of ethics for LPCs. 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 will not be released from the suspension of her license unless this continuing education is successfully completed.

IV. Prior to Respondent's release from the suspension, Respondent must file a supervision contract and the supervisor must be approved by the Board.

V. Once Respondent has complied with Paragraphs I through IV she shall be released from the suspension and may resume practice. She shall submit a written request to be released to the Board Administrator prior to resuming practice, which shall be granted so long as all conditions in Paragraph I through IV have been successfully completed.

VI. Once Respondent resumes practice she will immediately be under supervision and she shall be supervised for a period of two years by a Board approved supervisor for one hour of individual face to face supervision during any week in which she provides any counseling services. Respondent's supervisor shall submit quarterly supervision reports to 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.

VII. After the passage of one year of supervision, if Respondent has received average or above ratings on all reports, Respondent may petition the Board to reduce the supervision to one hour of individual face to face supervision for every two weeks in which she provides any counseling services. Respondent's supervisor shall submit quarterly supervision reports to 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.

VIII. Upon successfully completion of the conditions set forth in Paragraph VI and/or VII, Respondent may make a written request that the Board release her from supervision, which the Board Ethics Chair shall grant so long as all conditions have been successfully completed.

IX. Respondent shall not take the first commitment examination at any time in the future.

X. 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.

XI. 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 10th day of December, 2015.

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

Anne Sherry 12/10/2015
Anne Sherry, LPC date
Respondent

Sean Devereux 12/04/15
Sean Devereux date
Attorney for Respondent
Suite 1100, Jackson Building
22 South Pack Square
Asheville, NC 28801