

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED PROFESSIONAL
COUNSELORS

IN THE MATTER OF:)
)
ORIAKU HAMPTON-SOWELL, LPC,)
Respondent.)
Case Number 1421)

FINAL DECISION

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on December 5, 2014. A Notice of Hearing was served on Respondent on October 29, 2014, notifying her that the hearing would take place on December 5, 2014, at 9 am or as soon thereafter as possible at 7 Terrace Way, Greensboro, North Carolina 27403. Respondent was present and appeared on her own behalf. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Respondent and accepted exhibits into evidence in a public 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 professional counselor (LPC) licensed by the Board.
2. On July 9, 2012, Respondent entered into a Plea Agreement with the United States government in which she pled guilty to a felony; conspiracy to commit health care fraud involving defrauding the Medicaid program. Board Exhibit Number 5.
3. Specifically, Respondent entered a voluntary plea of guilty and admits to being guilty in that from in or about 2010 through in or about 2011, in Mecklenburg County, she did conspire and agree with others to devise a scheme to defraud and to obtain by means of materially false and fraudulent pretenses, representations and promises, money owned by and under the control and custody of the healthcare benefits program in connection with the delivery of and payment for healthcare benefits items and services, through the Medicaid program. Board Exhibit Number 5
4. The bill of information, which Respondent admitted to, states that Respondent engaged in a scheme to defraud the Medicaid program by seeking and obtaining payment from Medicaid for claims which were false and fraudulent in the following ways: 1) the claims falsely and fraudulently represented Respondent to be the attending clinician for mental and behavioral health

services, when she did not provide the services; 2) the claimed services, if provided at all, were provided by unlicensed individuals, who were not approved by Medicaid to provide such services; and 3) the claimed services were not provided at all. Board Exhibit Number 8.

5. On June 18, 2013, Respondent was sentenced to 12 months and one day imprisonment at the Federal Prison Camp at Alderson and was ordered to pay restitution. She was released on July 3, 2014. Board Exhibit Number 7.

6. Upon release from imprisonment, Respondent was placed on supervised release for a period of two years. Respondent is currently on supervised release. Board Exhibit Number 7.

7. Respondent testified that she has learned life lessons from this experience and has paid her debt to society.

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)(1), which alone warrants the disciplinary action taken by the Board.

III. The Respondent=s conduct violated N.C. Gen. Stat. ' 90-340(a)(4), which alone warrants the disciplinary action taken by the Board.

IV. The Respondent=s conduct violated N.C. Gen. Stat. ' 90-340(a)(9), which alone warrants the disciplinary action taken by the Board.

V. The Respondent=s conduct violated C.6b of the American Counseling Association Code of Ethics (2005), which alone warrants the disciplinary action taken by the Board.

VI. The Board has taken into consideration the eight factors under N.C. Gen. Stat § 93B-8.1 in reaching its decision in this case.

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

- I. The license of the Respondent, Oriaku Hampton Sowell, is hereby REVOKED.
- II. Respondent shall turn in her license to practice counseling in North Carolina to the Board office no later than February 2, 2015. She shall mail her license to: Katrina Brent, North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.
- III. No later than January 30, 2015, Respondent shall terminate services to all of her clients and make provisions for the appropriate transition of her 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 February 2, 2015, attesting that she has terminated and transferred all of her clients by January 30, 2015. She shall further attest that she is no longer engaged in the practice of counseling in any way.
- IV. 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 January, 2015.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn, PhD, 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 Wake County or in the Superior Court of the county in which the party resides. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

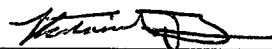
CERTIFICATE OF SERVICE

I, Katrina Brent, Administrator of the North Carolina Board of Licensed Professional Counselors, 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:

Oriaku Hampton Sowell
9814 Holly Park Drive
Charlotte, NC 28214

Sondra C. Panico
Assistant Attorney General
Service to State Agencies
Post Office Box 629
Raleigh, North Carolina 27602

This the 16 th day of January, 2015.



Katrina Brent, Administrator
North Carolina Board of Licensed
Professional Counselors