

JAN 05 2011

WAKE COUNTY

BEFORE THE  
ETHICS COMMITTEE  
OF THE

NORTH CAROLINA

NORTH CAROLINA SUBSTANCE ABUSE  
PROFESSIONAL PRACTICE BOARD  
EC-128-09

THE NORTH CAROLINA	)	
SUBSTANCE ABUSE PROFESSIONAL	)	
PRACTICE BOARD,	)	
Petitioner	)	CONSENT ORDER
	)	
	)	
MAURICE JUDD BERRYHILL,	)	
Respondent	)	

This matter is before a Panel of the Ethics Committee (the Panel) of the North Carolina Substance Abuse Professional Practice Board (the Board), pursuant to Chapter 150B of the North Carolina General Statutes and 21 North Carolina Administrative Code 68 .0600, and with the consent of Maurice Judd Berryhill, Respondent, Licensed Clinical Addictions Specialist (LCAS), Number   29  , to consider the entry of a Consent Order in lieu of an Administrative hearing.

Respondent is represented by James A. Wilson, Attorney and Counselor at Law, who has discussed with his client and negotiated a proposed informal resolution resulting from a review of this Complaint by an Ethics Hearing Panel of the Board. Board Attorney, E. Ann Christian, presented the findings of the investigation into these matters to the Respondent's Counsel. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this Consent Order and to the discipline imposed. Based upon the consent of the parties, the North Carolina Substance Abuse Professional Practice Board hereby enters the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent Berryhill was credentialed by the Board as an LCAS on or about   2/20/1998  . This credential has continued in effect until the current date.
  
2. At all times relevant to this Order, Respondent Berryhill was engaged in practice as a Substance Abuse Professional in Fayetteville, North Carolina, employed by The Haymount Institute, or the action took place within three months from the time Respondent left this place of employment.

3. During the course of Respondent's employment at The Haymount Institute, he admits to violations of an inter-professional nature by cursing a staff person. His subsequent apology to her is considered a mitigating action on Respondent's part.

The Panel asserts that Respondent violated G.S. 113.44(a)(6) creating as grounds for disciplinary action:

"(1) Engaging in any act or practice in violation of any of the provisions of this Article or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a violation."

Specifically, the Panel asserts that Respondent violated Rule 21 NCAC 68 .0510 (a):

"(a) The substance abuse professional shall treat colleagues with respect, courtesy and fairness and shall afford the same professional courtesy to other professionals."

4. A second violation of an inter-professional nature was that Respondent was involved with providing a psychological test to a client who was already being served by his former employer, The Haymount Institute. The Panel finds he gave this test without informing the Haymount Institute and therefore was responsible for an ethics violation.

The finding is that Respondent acted in violation of Rule 21 NCAC .0510 (b) by offering "...professional services to a client in counseling or consulting with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional."

5. The Panel finds the allegation made by Respondent's employer that he provided practice supervision to a Registrant for over twelve months although he did not possess the credential of a practice supervisor, (as defined in G.S. 90-113.31A [20]) "with merit."

The Panel finds that Respondent is in violation of Rule 21 NCAC 68 .0503 (c) that reads: "The substance abuse professional shall recognize boundaries and limitations of his or her competencies and not offer services or use techniques outside of these professional competencies."

6. The Panel concludes that Respondent did attempt to obtain client information following his termination of employment from The Haymount Institute and therefore was in violation of the rules of confidentiality applicable to a substance abuse professional.

The Panel finds that Respondent has violated 21 NCAC 68 .0504 (a) as follows:

"(a) The substance abuse professional shall uphold the legal and ethical codes which pertain to professional conduct."


FINAL CONCLUSIONS OF LAW

1. Respondent admits that his conduct in these matters constitutes sufficient basis for disciplinary action regarding his credential, pursuant to G.S. 90-113.44.
2. Respondent waives any further findings of fact or conclusions of law regarding this matter.

PROPOSED ORDER OF THE BOARD

1. That the Respondent shall receive a public Reprimand from the Board.
2. That the Respondent shall obtain six (6) additional hours of ethics training during the course of the next two years following the effective date of this Consent Order.
3. That if Respondent Berryhill fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of Rule 21 NCAC 68 .0504 (a) and shall be grounds, after any required notice and hearing, for the Board to suspend or revoke his credential to practice as a substance abuse professional.
4. That the Respondent shall resign any position with the Board wherein the Respondent serves as an employee or volunteer.
5. That the Respondent shall violate no rules or regulations of the Board.

This the \_\_\_\_7th\_\_\_\_ day of \_December\_, 2010\_\_.

  
\_\_\_\_\_  
Bert Bennett, Ph.D.  
Ethics Chairperson  
NCSAPPB

  
\_\_\_\_\_  
Maurice Judd Berryhill  
Respondent



**Maurice Judd Berryhill  
1429 Marlborough Road  
Fayetteville, NC 28304**

**Re: EC-128-09**

**Dear Mr. Berryhill:**

**As Chairperson of the Ethics Committee, I want to thank you for your cooperation with the Board's investigation of the Complaint brought against you regarding the above matter. As the Board attorney, Ms. Christian, has discussed with your attorney, Mr. Wilson, the Board has reviewed the relevant documentation, statements from complainants and witnesses, and your testimony to develop the enclosed proposed Consent Order.**

**Please review it with your attorney and provide a response to this proposal by signing it and returning it to the Board within thirty (30) days from the date of your receipt of this request or otherwise notify the Board of your response within the same time period.**

**If you have any questions, please have your attorney contact the Board's attorney or you may contact the Board's Associate Director, Mr. Barden Culbreth, for general information.**

**Very truly yours,**

**Bert Bennett, Ph.D.  
Ethics Chairperson**

**Enclosure**

**Cc: James A. Wilson, Attorney at Law**