

WAKE COUNTY

THE NORTH CAROLINA SUBSTANCE)
ABUSE PROFESSIONAL PRACTICE)
BOARD,)
Petitioner)
)
v.)
)
BOBBY FAISON,)
Respondent)
(LCAS License No. 875))
(CCS Certificate No. 340))

CONSENT ORDER

Respondent is represented by William R. Forstner of the Raleigh, North Carolina law firm of Smith Moore Leatherwood LLP, who has discussed with his client and negotiated a proposed informal resolution resulting from a review of the referenced complaint by an Ethics Hearing Panel of the Board. The Board was represented by Nelson G. Harris, who presented the findings of the investigation in this matter to Respondent's counsel.

Respondent agrees not to contest the Findings of Fact contained in this Order in any Board proceeding and agrees to entry of the Findings of Fact, Conclusions of Law, and the discipline imposed herein; which the Ethics Hearing Panel of the Board has accepted in resolution of this matter. Such Findings and Conclusions are not intended to be, and shall not be, deemed admissions for any other purpose or in any other setting. Based upon the record herein and the consent of the parties, the Board makes the following:

FINDINGS OF FACT

1. Respondent has been licensed in North Carolina to practice as a Licensed Clinical Addiction Specialist since September 18, 2003 and has been credentialed as a Certified Clinical Supervisor since September 10, 2005. Respondent has maintained his licensure and credentials in good standing with the Board during this period.
2. At all times relevant hereto, Respondent was engaged in the practice of substance abuse counseling in and around Henderson, North Carolina.
3. On or about October 19, 2009 the Board received an Ethics Complaint from Ms. Andrea Wilson ("Complainant"), which appeared to allege that Respondent had an improper relationship with a current or former client of Respondent's agency.
4. The Board's investigation determined that Complainant was never a client of Respondent's agency and that Respondent's relationship with Complainant did not constitute an improper relationship with a client or former client. Nevertheless, during its investigation, the Board identified other matters which it believed gave it good cause to seek to have Respondent disciplined.

5. For instance, Complainant presented partial records for certain of Respondent's clients to the Board, and Complainant claimed these records were sent to her by Respondent's office.

6. Either Respondent's office disseminated client records to Complainant or, alternatively, he failed to adequately safeguard and secure his client records.

7. Respondent failed to cooperate with the Board during its investigation of the Ethics Complaint against him.

Based upon the Findings of Fact and with the consent of the parties hereto, the Board makes the following:

CONCLUSIONS OF LAW

1. The North Carolina Substance Abuse Professional Practice Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 90, Article 5C of the North Carolina General Statutes (the "North Carolina Substance Abuse Professional Practice Act") and the corresponding Rules at 21 North Carolina Administrative Code ("NCAC"), Chapter 68.

2. Respondent is licensed and certified to practice substance abuse counseling in North Carolina and is subject to the North Carolina Substance Abuse Professional Practice Act and the rules promulgated thereunder. The Board has jurisdiction over the person of the Respondent and the subject matter of this proceeding.

3. Grounds for discipline exist, under 21 NCAC 68.0601(4)(a), for Respondent's failure to ensure that client records were properly secured and safeguarded against disclosure to third parties.

4. Grounds for discipline exist, under 21 NCAC 68.0601(6)(f), on account of Respondent's failure to cooperate with the Board in its investigation of the Ethics Complaint against him.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, and the consent of the parties, pursuant to the authority set forth in N.C. Gen. Stat. §90-113.33, it is ORDERED as follows:

ORDER

1. Respondent's credentials permitting his practice of substance abuse counseling in North Carolina is suspended for a period of one (1) year. Notwithstanding the foregoing, Respondent shall serve an active suspension of only sixty (60) days, commencing November 1, 2011, and continuing on consecutive days through December 29, 2011. Thereafter, provided Respondent meets the terms and conditions of this Order, the remainder of Respondent's suspension shall be stayed, during which period Respondent may provide professional services to clients.

2. During the period of Respondent's suspension which is stayed as provided for above, and for the remaining period of Respondent's suspension, he shall comply with the following terms and conditions:

- (a) Respondent shall comply with all provisions of the North Carolina Substance Abuse Professional Practice Act and the Rules and Regulations promulgated thereunder.
- (b) Within ninety (90) days of the Effective Date of this Order, Respondent shall complete a total of nine (9) continuing education ("CE") units.

These CE units shall not be counted towards Respondent's regular licensing obligations. The additional CE units shall focus on the following topics: (i) Three (3) CE units on the topic of Confidentiality; (ii) Three (3) CE units on the topic of Maintenance of Client Records; and (iii) Three (3) CE units on the topic of General Ethics.

- (c) Before December 29, 2011, Respondent shall reimburse the Board for the costs associated with its investigation of this matter, in the amount of Thirteen Thousand Four Hundred Ninety Four Dollars and Eighty Cents (\$13,494.80).

3. The provisions of this Order and the facts and circumstances related to the investigation that led to this Order shall not be used by the Board to deny renewal of Respondent's credentials.

4. If Respondent fails to comply with any of the terms of this Order, that failure may be found by the Board to constitute unprofessional conduct and may be grounds, after any required notice and hearing, for the Board to take disciplinary action against Respondent.

5. This Order shall be effective as of the date it is executed by the Board.

This the _____ day of _____, 2011.

North Carolina Substance Abuse Professional
Practice Board

BY: _____

NAME: Dan Graves

TITLE: President

STATEMENT OF CONSENT

I, Bobby Faison, do hereby certify that I have read the foregoing Order in its entirety and that I do freely and voluntarily accept, exclusively for the purposes of this disciplinary proceeding, that there is a factual basis for the allegations set forth therein, that these factual allegations, if proven, are legally sufficient to support findings and conclusions that I have violated 21 NCAC 68.0601(4)(a) and (6)(f), and that I assent to the terms and conditions set forth therein. I hereby express my understanding that the contents of this Order shall become a part of my record with the Board.

This the 20 day of OCTOBER, 2011.


BOBBY FAISON