

NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
SUBSTANCE ABUSE PROFESSIONAL  
PRACTICE BOARD

CLAY COUNTY

NORTH CAROLINA SUBSTANCE ABUSE)  
PROFESSIONAL PRACTICE BOARD, )  
Petitioner )

v. )

KEITH CHRISTENSEN, )  
Respondent )

CONSENT ORDER  
EC No. 348-15

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; 21 N.C.A.C. 68.0600, and N.C. Gen. Stat. §90-113.44; with the consent of Respondent Keith Christenson ("Christensen"), in lieu of a formal hearing or otherwise.

The Board, with the consent of Christensen, makes the following **FINDINGS OF FACT:**

1. Petitioner North Carolina Substance Abuse Professional Practice Board ("the Board"), was established by G.S. 90-113.32, and is recognized as the registering, certifying, and licensing authority for substance abuse professionals described in the Practice Act. The Board was established to safeguard the public health, safety, and welfare, to protect the public from being harmed by unqualified persons, to assure the highest degree of professional care and conduct on the part of credentialed substance abuse professionals, to provide for the establishment of standards for the education of credentialed substance abuse professionals, and to ensure the availability of credentialed substance abuse professionals of high quality to persons in need of these services. The Board, under authority granted by the Practice Act regulates Board-credentialed persons offering substance abuse counseling services, substance abuse prevention services, or any other substance abuse services for which the Board may grant registration, certification or licensure.

2. Christensen has been licensed by the Board as a Licensed Clinical Addictions Specialist ("LCAS"), LCAS-1732, since December 2, 2010.

3. Christensen is a citizen and resident of Clay County, North Carolina; and is neither a minor nor an incompetent person. Christensen currently resides at 448 Johnson Drive, Hayesville, NC 28904.

4. The First Commitment evaluation process is legislatively approved process whereby, initially, only Ph.D. psychologists and physician/psychiatrists were permitted to perform First Commitment examinations in connection with individuals who might be in need of psychiatric commitment to a state or other psychiatric facilities.

5. The General Assembly ultimately permitted qualified individuals having the Licensed Clinical Addiction Specialist ("LCAS") certification, and who passed a test developed by three LCSWs ("the Qualification Test"), to conduct First Commitment evaluations.

6. It is important, given the possibility that individuals could be involuntarily committed, that only qualified individuals be able to carry out the First Commitment work.

7. On February 14, 2012, Christensen had a professional relationship with Anne Sherry ("Sherry"), in that he was a staff member at Appalachian Community Services, operating as one of three (3) Team Leaders under the direct supervision of Sherry.

8. On February 14, 2012, Sherry sent an email to Dina Paul, another Team Leader at Appalachian Community Services, and Christensen, with several attachments, including a copy of what was, in fact, the Qualification Test, and, in any event, what could reasonably be inferred or presumed was the Qualification Test, and noted that:

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!!!

9. Christensen did not take the Qualification Test; did not disseminate the Qualification Test; and did not discuss the same with Sherry, or with anyone, until after his receipt of an Ethics Complaint from the Board.

10. Furthermore, Christensen did not report to the Board, or to anyone, that Sherry had a copy of what a reasonable person would infer or presume was a copy of the Qualification Test, and which was in fact the Qualification Test.

11. Another individual receiving a copy of the February 12, 2012 email, as a forwarded copy of the email to Dina Paul, did make a report to North Carolina Division of Health and Human Services; which led to an investigation of the compromise of the Qualification Test by NCDHHS; by this Board, and by other licensing boards.

12. Christensen acknowledges that he should have, upon receipt of the February 12, 2012 email, reported to NCDHHS, this Board, or some other appropriate authority, that the Qualification Test had,

or might have been, compromised; because failure to act exposed the public to harm. The harm to which the public was exposed is that individuals who might not have passed the Qualification Test without the benefit of prior review, received a copy of the Qualification Test prior to taking the same; took and passed the Qualification Test, and were thereafter able to perform First Commitment Evaluations when they might not have been qualified to do so.

13. The Board and Christensen wish to avoid the time and the costs associated with full litigation of this matter and, in lieu of any further proceedings, enter into this Consent Order.

14. Christensen expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law not contained herein, and all further proceedings before the Board to which Christensen may be entitled by law.

15. Christensen forever releases the State of North Carolina, the Board, and all of its members, officials, agents, representatives and employees, both past and present, in their individual or official capacities from any liability, suits, claims, and causes of action, arising prior to or as a result of execution of this Consent Order.

16. Christensen waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Christensen understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.

17. 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.

18. Christensen agrees that his conduct warrants a public ADMONITION.

Based upon the foregoing FINDINGS OF FACT, the Board makes the following CONCLUSIONS OF LAW:

1. The conduct described above, which Christensen does not contest, constitutes violations of, among other things, the following:

a. Engaging in conduct that could result in harm or injury to the public, in violation of N.C.G.S. § 90-113.44(a)(9).

2. Christensen is licensed by the Board, 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 Christensen and the subject matter of this proceeding.

WHEREFORE, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, and with the consent of the parties, and pursuant to the authority set forth in N.C. Gen. Stat. § 90-113.33, it is ORDERED as follows:

1. Christensen is publically ADMONISHED for his failure to report that what a reasonable person would infer or presume was the Qualification Test, and was in fact the Qualification Test, when he knew, or should have known, that his failure to act exposed the public to potential harm.

2. Christensen shall have no liability to the Board with respect to the costs and expenses incurred in connection with investigation of the Ethics Complaint referenced above.

3. This Order shall be effective as of the date executed by the Board.

This the 3<sup>rd</sup> day of March, 2016.

NORTH CAROLINA SUBSTANCE ABUSE  
PROFESSIONAL PRACTICE BOARD

By:

Mark A. Cristino  
Name: | Ethics Chairman


STATEMENT OF CONSENT

I, Keith Christensen, do hereby certify that I have read the foregoing Consent Order in its entirety, that I have consulted with counsel concerning the contents and effect of the same, and that I voluntarily accepts that there is a factual basis for the findings of fact set forth herein; and that those findings of fact are legally sufficient to support the findings, conclusions and discipline provided for therein, and that I assent to the terms of the Consent Order. I further express my understanding that the contents of this Consent Order shall become a part of my record with the Board, and are a public record under North Carolina law.

This the 23<sup>rd</sup> day of February, 2016.

  
Keith Christensen

Sworn to and subscribed before me  
this the 23<sup>rd</sup> day of February, 2016.

  
Notary Public

Rebecca H. Grindstaff  
My commission expires: 10-28-2017  
Notary Public  
Cherokee County, NC