

**NORTH CAROLINA
BUNCOMBE COUNTY**

BEFORE THE NORTH CAROLINA
SUBSTANCE ABUSE PROFESSIONAL
PRACTICE BOARD

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

v.)

JENNIFER A. HOLLOWELL,)
Respondent)

CONSENT ORDER

EC No. 132-10 et al.

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 Jennifer A. Hollowell, in lieu of a formal hearing in *North Carolina Substance Abuse Professional Practice Board v. Jennifer A. Hollowell*, OAH File No. 12 SAP 01106, or otherwise.

The Board, with the consent of Hollowell, 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. Hollowell is certified by the Board as a Certified Substance Abuse Counselor ("CSAC"), Certificate No. 1661, approved May 19, 2000. Hollowell is also certified by the Board as a Certified

Clinical Supervisor ("CCS"), Certificate No. 341, approved September 10, 2005.

3. Hollowell is a citizen and resident of Buncombe County, North Carolina; and is neither a minor nor an incompetent person. Hollowell currently resides at 65 Chestnut Hill Road, Black Mountain, NC 28711 ("Chestnut"). Hollowell was formerly known as "Jennifer Welker."

4. Hollowell was during times relevant to this proceeding an employee, officer and director of Recovery Ventures Corporation ("RVC"); and served as its Therapeutic Director.

5. A client, who will be referred to hereinafter as John Doe ("Doe"), was admitted to a program run by RVC which generally runs for two (2) years until completion.

6. While still a client of RVC and Hollowell, Doe and Hollowell began a personal relationship, which the Board alleges, and Hollowell denies, involved "sexual activity" or "sexual contact" as those terms are defined in 21 NCAC 68.0101(33) and (34).

7. For purposes of this Consent Order, no finding is made as to whether Hollowell had "sexual activity" or "sexual contact" with Doe while he was still a client.

8. Hollowell's relationship with Doe during the period of time when he was a client was such that it could impair professional judgment or increase the risk of exploitation of a client, and it did impair her professional judgment.

9. RVC primarily secures the funds to maintain the group homes; pay salaries to RVC's employees; feed the clients, and provide medical care and therapy for the clients, through contracts with business entities in the Buncombe County area. In general, business entities pay RVC under contract for client labor provided by RVC.

10. RVC also supports itself through contributions either made directly, or after solicitation by clients working for RVC in their in-kind contribution program. RVC clients and/or staff would solicit from third parties in kind donations for use by RVC and its clients.

11. Hollowell at times inappropriately diverted to her personal use, and to the use of her family, items donated for use by RVC and its clients; and used food purchased with RVC's client's food stamp benefits for her and her family's personal use.

12. Hollowell used therapeutic community assets for personal use. Hollowell's personal use of therapeutic community assets denied the use of those assets to clients of RVC.

13. Beginning as early as 2004, and continuing thereafter, Hollowell had clients of RVC provide personal services at her residence, such as cleaning her residence; cooking for her and her

family; babysitting her children; landscaping; making home repairs and improvements; taking care of her numerous animals (including, variously, dogs, cats, birds, lizards, and goats; and run personal errands, such as picking up groceries, driving her children around, changing the tires on her car, and color coordinating her closet.

14. Hollowell did not pay for the personal services rendered by her clients, except, perhaps, on an irregular basis; and continued to use client labor for personal services after repeated warnings that the conduct was unacceptable.

15. In spite of the warning of the Board, and the instructions of RVC's Board, Hollowell continued to have clients perform personal services at her residence, including babysitting her children, cooking, cleaning, landscaping, animal care and home improvement work.

16. Hollowell's use of client labor for personal services was a serious misuse of her professional relationship for personal advantage.

17. Hollowell's use of clients' labor for her own benefit denied those clients the full benefit of the programs at RVC, and could have reduced the clients chances of completing the program, and could actively cause harm to the clients.

18. On April 12, 2011, shortly after her termination by RVC, Hollowell caused a nonprofit corporation, Recovery Connections Community ("RCC"), to be formed, and Hollowell, through RCC, began providing services in a community setting through RCC.

19. The Board contends, and Hollowell denies the following disputed statements, but by agreement and without Hollowell's admission, the following disputed statements may be used for purposes of determining the appropriateness of the discipline to be imposed under the terms of this Consent Order. These disputed statements are:

a. That Hollowell permitted Doe to drive clients of RVC and RCC when she knew he was not licensed to drive, exposing both Doe and the other clients to risk.

b. That Hollowell acting directly, or through Doe, and other individuals acting on Hollowell's behalf, solicited RVC clients, seeking to have them leave RVC and come to RCC; without providing advance notice to RVC that she was soliciting the client; and exposing those clients who were at RVC on probation, to risk of probation revocation and incarceration. The Board contends that Hollowell engaged in acts relating to client solicitation that violated her obligations under 21 NCAC § 68.0510(b).

c. That Hollowell, or others acting on her behalf, solicited

donations for RCC while falsely asserting that it was a non-profit corporation within the meaning of 501(c)(3) of the Internal Revenue Code.

d. That Hollowell interfered with the investigation of the Board, by encouraging potential witnesses to give false statements to the Board.

e. That Hollowell, in a general sense, while at RVC, failed to maintain appropriate boundaries between herself and her clients in ways that have negatively impacted their progress in treatment; has used and exploited her clients for her personal benefit; has abused and otherwise treated clients in a way not primarily for the benefit of the clients, and in many cases to their immediate and actual detriment; has exposed clients to environments harmful to them; all in violation of her obligations of the rules and regulations of the Board.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE BOARD CONCLUDES AS A MATTER OF LAW:

1. 21 NCAC 68.0509(b) provides that "[t]he professional shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation of a client."

2. 21 NCAC 68.0509(c)(2) provides that "[t]he substance abuse professional shall not engage in or solicit sexual activity or sexual contact with a former client for five years after the termination of the counseling or consulting relationship." [At the time Doe graduated from the program, the prohibition only extended for two years after termination of the counseling or consulting relationship, and that two year prohibition is applicable in this case.]

3. 21 NCAC 68.0509(d) provides that "[t]he substance abuse professional shall not misuse his or her professional relationship for sexual, financial, or other personal advantage.

4. By virtue of the conduct described above regarding a relationship with a client, Hollowell violated her obligations under 21 NCAC 68.0509(b); 21 NCAC 68.0509(c)(2); and 21 NCAC 68.0509(d); and is subject to discipline under the provisions of 21 NCAC 68.0601(4).

5. If true, permitting Doe to drive clients when she knew he was not licensed is also grounds for discipline under the provisions of 21 NCAC 68.0601(5)(c) and 21 NCAC 68.0601(6)(e).

6. Hollowell's diversion of in kind donations intended for RVC and its clients' use to her and her family's personal use, is in violation of her obligations under 21 NCAC 68.0509(d); her obligations under 21 NCAC 68.0507(c); and her obligations under 21

NCAC 68.0511(a).

7. The foregoing described conduct relating to in kind contributions are grounds for discipline under the provisions of 21 NCAC 68.0601(4); 21 NCAC 68.0601(5)(c); 21 NCAC 68.0601(6)(e).

8. Hollowell's use of clients' labor for her own benefit is in violation of her obligations under 21 NCAC 68.0507(c), and in violation of her obligations under 21 NCAC 68.0511(c).

9. Hollowell's use of clients' labor for her own benefit could have denied those clients the full benefit of the programs at RVC, reducing the clients chances of completing the program, and actively causing harm to the clients, in violation of her obligations under 21 NCAC 68.0507(a), 21 NCAC 68.0507(b), and 21 NCAC 68.0507(c).

10. Hollowell's actions as described above, [the truth of which she admits with respect to Findings of Fact 1-18, and denies with respect to Finding of Fact 19 (except that she admits Finding of Fact 19 solely for purposes of imposing discipline)], are grounds for discipline under 21 NCAC 68.0601(2), (4)(c), (5)(c), and (6)(e).

11. Hollowell's actions as described above, [the truth of which she admits with respect to Findings of Fact 1-18, and denies with respect to Finding of Fact 19 (except that she admits Finding of Fact 19 solely for purposes of imposing discipline)], violate her obligations under 21 NCAC 68.0507(a) and (c); 21 NCAC 68.0509(d); 21 NCAC 68.0501(c); and are grounds for discipline under the provisions of 21 NCAC 68.0601(2), (4)(c), (5)(c), and (6)(e).

12. Hollowell's actions as described above, [the truth of which she admits with respect to Findings of Fact 1-18, and denies with respect to Finding of Fact 19 (except that she admits Finding of Fact 19 solely for purposes of imposing discipline)], are in violation of her obligations under 21 NCAC 68.0507(c); 21 NCAC § 68.0510(b); and are grounds for discipline under 21 NCAC 68.0601(7)(a).

13. The foregoing described conduct, [the truth of which she admits with respect to Findings of Fact 1-18, and denies with respect to Finding of Fact 19 (except that she admits Finding of Fact 19 solely for purposes of imposing discipline)], is grounds for discipline under the provisions of 21 NCAC 68.0601.

14. The appropriate discipline to be imposed against Hollowell, on account of the rules violations described in paragraphs 1-18 of the Findings of Fact, above, is permanent revocation of all of the licenses and certifications granted by the Board. Further, the appropriate discipline to be imposed with respect to the rules violations described in paragraph 19 of the Findings Of Fact, and which Hollowell only admits for the purposes of imposition of discipline, is permanent revocation of all of the licenses and certifications granted by the Board.

15. By agreement, each party shall bear its own costs incurred in connection with the Board's investigation and the pending Office of Administrative Hearings proceeding.

WHEREFORE, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, and with the consent of the parties, pursuant to the authority set forth in N.C.G.S. § 90-113.33, it is hereby ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

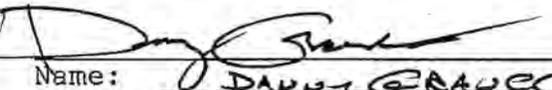
1. The credentials granted by the Board, including Hollowell's certification by the Board as a Certified Substance Abuse Counselor ("CSAC"), Certificate No. 1661, approved May 19, 2000; and her certification by the Board as a Certified Clinical Supervisor ("CCS"), Certificate No. 341, approved September 10, 2005; are hereby permanently revoked, effective as of the date of execution of this Consent Order by the Board.

2. Each party to this proceeding shall bear their own costs, and the Board shall bear its own costs of investigation and the pending Office of Administrative Hearings proceeding.

3. This Consent Order fully resolves all issues before the Administrative Law Judge appointed to hear North Carolina Substance Abuse Professional Practice Board v. Jennifer A. Hollowell, OAH File No. 12 SAP 01106, and the Board will dismiss that proceeding, without prejudice.

This the 1 day of MAY, 2012.

NORTH CAROLINA SUBSTANCE ABUSE
PROFESSIONAL PRACTICE BOARD

By: 
Name: DANNY GRAUE
Its President

STATEMENT OF CONSENT

I, Jennifer A. Hollowell, 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, other than those designated as disputed; 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 30th day of April, 2012.

Jennifer A. Hollowell
Jennifer A. Hollowell

Sworn to and subscribed before me
this the 30th day of April, 2012.

James M. Shomaker
Notary Public

My commission expires: March 24, 2014

