

NORTH CAROLINA

WAKE COUNTY

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
FILE NO. 18 SAP 3126

NORTH CAROLINA SUBSTANCE  
ABUSE PROFESSIONAL PRACTICE  
BOARD,

Petitioner

v.

CHARLOTTE ELIZABETH GARNES,

Respondent

LCAS-R License No. 3193

ORDER - FINAL DECISION

EC No. 458-17

THIS CAUSE came on to be heard before the North Carolina Substance Abuse Professional Practice Board ("the Board") on the Proposal For Decision entered by the Honorable Donald W. Overby, Administrative Law Judge, on September 20, 2018. The Board, having reviewed the materials of record, and having heard the arguments of Counsel, concludes that the Proposal For Decision should be adopted with the additions, corrections, and modifications contained herein.

The Board thereby adopts and/or 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. Respondent Charlotte Elizabeth Garnes was a Licensed Clinical Addictions Specialist - Registrant (LCAS-R No. 3193). Respondent registered on December 18, 2006 and that initial registration was maintained for five (5) years, or through December 17, 2011; and she re-registered on February 5, 2013, for a second registration period which ended February 4, 2018.

3. A federal jury, in *United States v. Charlotte Elizabeth Garnes*, DNCW312CR00249-01 (WDNC) found Respondent guilty of 18:1347 and 18:1349 (Conspiracy to Commit Health Care Fraud); 18:1515(c)(2) (Obstruction Of Official Proceeding); and 9 counts of 18:1035 & 18:2 (False Statements Relating To Health Care Matters and Aiding and Abetting the same) and, on June 18, 2013, Respondent was sentenced to terms of 60 months, which ran concurrently.

4. Respondent's convictions were upheld by the Fourth Circuit Court Of Appeals in *United States v. Charlotte Elizabeth Garnes*, COA No. 13-4537 (2014) (Unpublished).

5. Respondent's convictions are grounds for discipline under G.S. § 90-113.44(3), which specifically provides that "[c]onviction of an offense under any municipal, State, or federal law other than traffic laws" is grounds for discipline.

6. Respondent's convictions are also grounds for discipline under G.S. § 90-113.44(4), which specifically provides that "[c]onviction of a felony or any other public offense involving moral turpitude" is grounds for discipline.

7. Respondent was registered as a License Clinical Addictions Specialist, the convictions occurred during the time and for acts while licensed, and Respondent 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.

8. Pursuant to 21 NCAC 68. 0601 and other provisions of the 21 NCAC 68 .0101 *et seq.*, grounds exist to discipline Respondent relating to the facts and circumstances set forth above, up to and including permanent revocation of Respondent's license as a Licensed Clinical Addictions Specialist-Registrant (LCAS-R No. 3193).

9. The appropriate discipline to impose with respect to Respondent's convictions is, because of the close relationship between the offenses and her practice as a substance abuse professional, permanent revocation.

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

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 subject to discipline under 21 NCAC 68. 0601, G.S. § 90-113.44(3) and G.S. § 90-113.44(4).

3. The proper discipline to impose is permanent revocation of Respondent's registration as a Licensed Clinical Addictions Specialist-Registrant (LCAS-R No. 3193).

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

**ORDER**

1. Respondent is hereby disciplined, under N.C. Gen. Stat. § 90-113.44 and 21 NCAC 68 .0101 *et seq.*, by permanent revocation of Respondent's registration as a Licensed Clinical Addictions Specialist-Registrant (LCAS-R No. 3193).

2. This Order is effective upon the date executed by the Board.

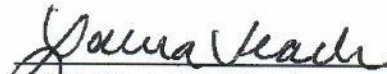
**NOTICE**

To obtain judicial review of this Final Decision, the entity or individual seeking review must file a petition within thirty (30) days after service of a written copy thereof, with the Clerk of the Superior Court of the County where the entity is headquartered or the individual resides.

This the \_\_\_\_\_ day of December, 2018.

NORTH CAROLINA SUBSTANCE ABUSE  
PROFESSIONAL PRACTICE BOARD

BY:



NAME: Laura Veach

TITLE: President