

**NORTH CAROLINA**

**WAYNE COUNTY**

**BEFORE THE NORTH CAROLINA  
ADDICTIONS SPECIALIST  
PROFESSIONAL PRACTICE BOARD**

NORTH CAROLINA ADDICTIONS  
SPECIALIST PROFESSIONAL  
PRACTICE BOARD,  
Petitioner

v.

TOMMEL D. HAYES,  
Respondent

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**CONSENT ORDER  
EC No. 618-20**

THIS MATTER is before a Panel of the Ethics Committee (“the Panel”) of the North Carolina Addictions Specialist 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. Section 90-113.44; with the consent of Respondent Tommel D. Hayes (“Respondent”), in lieu of a formal hearing on the issues raised in that ethics complaint filed against her, referenced above.

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

1. Petitioner North Carolina Addictions Specialist 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. The Board was, until January 1, 2020, known as the North Carolina Substance Abuse Professional Practice Board.

2. On September 2, 2011, Respondent Tommel D. Hayes was licensed as a Licensed Clinical Addictions Specialist (LCAS No. 1888). Respondent’s license will expire on April 20, 2022, if not renewed.

3. On December 8, 2014, Respondent made a self-report with respect to a DWI charge made against him, on November 28, 2014 (“the 2014 DWI”); the Board required Respondent to secure a substance abuse assessment from an unbiased assessor; Respondent provided a copy of

the Court required assessment, and the Board informed Respondent that the DWI completed for purposes of the pending DWI case was not acceptable.

4. Respondent did not secure or provide a third party assessment; did not update the Board with respect to disposition of the 2014 DWI; however, the Board did not take any action with respect to that matter.

5. On May 12, 2020, Respondent made a self report with respect to a 2020 DWI ("the 2020 DWI"), which was scheduled for Court on June 1, 2020. The 2020 DWI has not been resolved as of the date of this Consent Order.

6. In the course of following up on the self-report with respect to the 2016 DWI, the Board noted that Respondent had been charged with DWI on January 12, 2016 ("the 2016 DWI"); and was convicted on November 10, 2016. Respondent had made no report to the Board with respect to the 2016 DWI.

7. On May 14, 2020, counsel for the Board sent a letter to Respondent, demanding as follows:

- a. That Respondent provide a copy of the charging documents from his 2014 DWI; the judgment and order entered; and any documents showing completion of the 20 hours of substance abuse education that Paradigm Counseling indicated that he would be required to complete. The Board further demanded that, if he had received any assessment, or underwent any treatment, in connection with that DWI, beyond that required by Paradigm Counseling, documents evidencing the same.
- b. That Respondent provide, with respect to the "pending DWI scheduled for court on 6-1-2020", that Respondent provide the Board with more detail, including all documents in his Court file; and copies of any substance abuse assessments received to date.
- c. That, if Respondent received any substance abuse assessment, counseling or other treatment, between December 8, 2014, and that provided in connection with the 2020 DWI, Respondent provide a description of the same and produce documents evidencing the assessment, counseling or other treatment.
- d. That, if Respondent had been charged with any other crime (other than the pending DWI with the June 1, 2020 court date), since December 8, 2014; he describe the charge and produce Court documents reflecting the same.

The Board required that Respondent respond to the May 14, 2020 letter by June 14, 2020, and Respondent did not make a response prior to filing of a Notice of Hearing, on June 23, 2020, which commenced in *North Carolina Addictions Specialist Professional Practice Board v. Tommel D. Hayes*, OAH File No. 20 SAP 02487 ("the OAH Contested Case").



8. Respondent is subject to discipline, pursuant to the provisions of 21 NCAC 68 .0601(5)(b), on account of his conviction of any driving while impaired law.

9. Respondent is subject to discipline, pursuant to the provisions of 21 NCAC 68 .0601(6)(c), for use of drugs or alcohol to the extent that professional competency is affected, or the professional suffers impairment.

10. Respondent is subject to discipline, pursuant to the provisions of 21 NCAC 68 .0601(6)(d) for refusal to seek treatment for chemical dependency which impairs professional performance.

11. Respondent is subject to discipline, pursuant to the provisions of 21 NCAC 68 .0601(6)(e) for engaging in conduct that an ordinary, reasonable and prudent person could foresee would cause harm or injury to the public.

12. Respondent is subject to discipline, pursuant to the provisions of 21 NCAC 68 .0601(7)(e), for failure to cooperate with the investigations and proceedings of the Board.

13. Pursuant to the provisions of the 21 NCAC 68 .0101 *et seq.*, and the provisions of the General Statutes cited above, grounds exist to discipline Respondent relating to the facts and circumstances set forth above, up to and including permanent revocation of all licenses and certification issued to Respondent by the Board.

14. Respondent and the Board agree that the appropriate discipline to impose, with respect to the actions described above, is provided for in this Consent Order.

15. Upon full execution of this Consent Order, the Board shall dismiss the Contested Case.

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

1. The Board has the power and authority to impose discipline on Respondent, and resolution contained herein is an appropriate resolution of this case.

2. Each party should bear their own costs incurred in connection with the Board's investigation and the Contested Case.

**BASED UPON THE FOREGOING FINDINGS OF FACT, AND CONCLUSIONS OF  
LAW, IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:**

1. Respondent's license as a Licensed Clinical Addictions Specialist, LCAS No. 1888, is suspended for two (2) years from the date of full execution of this Consent Order.

2. The suspension provided for above may be stayed by application to the Board and a showing by Respondent that:

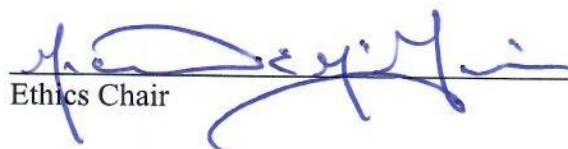
- a. Six (6) months have elapsed since the Consent Order was fully executed by the parties.
- b. Respondent has been assessed by a Board approved assessor, and has complied with any recommendations made. The Board approved assessor shall be selected by Barden Culbreth, Executive Director of the Board.
- c. Respondent has complied with any requirements of the Court that are imposed in connection with the 2020 case.

3. Each party shall bear their own costs incurred in connection with the Board's investigation and the Contested Case.

This the 27 day of July, 2020.

**THE NORTH CAROLINA ADDICTIONS  
SPECIALIST PROFESSIONAL PRACTICE BOARD**

By:

  
Ethics Chair

**STATEMENT OF CONSENT**

I, Tommel D. Hayes, 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 (or have had the opportunity to consult with counsel and have not done so), and that I voluntarily accept 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 of fact, conclusions of law, 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 the Consent Order shall be part of my record with the Board, and are a public record under North Carolina law.

This the 20<sup>th</sup> day of July, 2020.

  
Tommel D. Hayes