

NORTH CAROLINA

BEFORE THE NORTH CAROLINA
ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD

WAKE COUNTY

NORTH CAROLINA ADDICTIONS SPECIALIST)
PROFESSIONAL PRACTICE BOARD,)
Petitioner)

v.)

MARY HEATHER BARTLEY,)
Respondent)
LCAS No. 1306)

FINAL DECISION -
SUSPENSION
EC-653-21

THIS CAME on before the Board on July 23, 2021, as regularly noticed for hearing by that Notice Of Hearing dated April 27, 2021. Mary Heather Bartley appeared before the Board *pro se*. Johnny Bass, Treasurer of the Board, presided.

The Board, having reviewed the evidence, and having heard the arguments of counsel and Respondent, 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 August 12, 2008, Respondent was licensed by the Board as a Licensed Clinical Addictions Specialist ("LCAS"), LCAS No. 1306. Respondent's license as an LCAS will expire on August 14, 2022, if not renewed.

3. On January 22, 2021, the Board received an Ethics Complaint, the substance of which is that, in 2019, Respondent had been convicted of driving while impaired, and had failed to report the same to the Board.

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7/25/21

4. In fact, since licensure, Respondent has been convicted of a number of crimes, none of which she reported to the Board prior to the date of the Ethics Complaint. In particular, Respondent has been convicted as follows:

09/24/15 - Iredell County File No. 15 IF 701402; Possession Open Container/Consume Alcohol PSG Area (G.S. 20-138.7(A1)).

11/18/15 - Mecklenburg County File No. 15 CR 229198; Possession of Drug Paraphernalia (G.S. 90-113.22).

06/13/18 - Mecklenburg County File No. 18 CR 214997; Misdemeanor Larceny (G.S. 14-72(A)).

12/21/18 - Iredell County File No. 2018 CR 708098; Shoplifting (G.S. 14-72.1(A)).

12/21/18 - Iredell County File No. 2018 CR 710566; Shoplifting (G.S. 14-72(A)).

04/04/19 - Iredell County File No. 19 CR 702916; Misdemeanor Larceny (G.S. 14-72(A)).

08/02/19 - Iredell County File No. 2019 CR 704675; Misdemeanor Larceny (G.S. 14-72(A)).

Furthermore, Respondent was charged, but not convicted, of the following crimes:

11/18/15 - Mecklenburg County File No. 15 CR 229197; Driving While Impaired (G.S. 20-138.1).

05/02/16 - Mecklenburg County File No. 15 CR 229198; Felony Possession of Cocaine (G.S. 90-95(D)(2)).

06/13/18 - Mecklenburg County File No. 18 CR 214996; Felony Possession of Cocaine (G.S. 90-95(D)(2)).

07/06/18 - Mecklenburg County File No. 18 CR 215617; Shoplifting (G.S. 14-72.1(A)).

09/27/18 - Mecklenburg County File No. 18 CR 229916; Misdemeanor Larceny (G.S. 14-72(A)).

03/14/19 - Mecklenburg County File No. 18 CR 725920; Misdemeanor Larceny (G.S. 14-72(A)).

07/08/19 - Mecklenburg County File No. 19 CR 205029; Resisting Public Officer (G.S. 14-223).

08/02/19 - Iredell County File No. 19 CR 704675; Misdemeanor Larceny (G.S. 14-

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72(A).

5. Respondent acknowledges that she did not timely inform the Board either of the charges or convictions listed above, and the same only came to the attention of the Board when contacted by DWI Services in connection with Respondent's contact about becoming a DWI Services provider.

6. During the period from 2015 through 2019, Respondent was in active addiction; however, she has not been in active addiction since that time.

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

1. Respondent's convictions are of offenses under any municipal, State, or federal law, other than traffic laws as prescribed by Chapter 20 of the General Statutes, and are each grounds for discipline under N.C.G.S. Section 90-113.44(a)(3).

2. Respondent's failure to timely self-report the charges, convictions, and the attendant circumstances, is a failure to report unethical conduct by a substance abuse professional, as required by 21 NCAC 68 .0503(e).

3. Respondent's failure to self-report the convictions, within thirty (30) days of conviction, as required by 21 NCAC 68. 0606(d), is in itself grounds for discipline.

4. Respondent's failure to self-report the charges, within thirty (30) days of the charge, as required by 21 NCAC 68 .0606(c), is in itself grounds for discipline.

5. 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 her license as a Licensed Clinical Addictions Specialist.

6. The appropriate discipline to impose, considering all of the facts and circumstances, is a five (5) year suspension, with the possibility that the suspension might be lifted after three (3) years under the conditions set forth herein.

7. The Board has the power and authority to impose discipline on Respondent, and the resolution contained herein is appropriate.

8. Each party should bear their own costs and expenses incurred.

NOW, THEREFORE, BASED UPON THE FOREGOING FINDINGS OF FACT and CONCLUSIONS OF LAW, and pursuant to the authority set forth in N.C.G.S. § 90-113.33, *et seq.*, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

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1. Respondent's license as a Licensed Clinical Addictions Specialist (LCAS No. 1306) is suspended for a period of five (5) years, beginning on the date executed below.

2. Respondent may apply, after the first three (3) years of the five (5) year suspension, for a lifting of the last two (2) years of the suspension. Whether to lift the last two (2) years of the suspension shall be within the discretion of the Board.

3. The Board will consider any evidence presented by Respondent when she seeks to have the last two (2) years of the stay lifted. The Board will pay considerable attention to any substance abuse and mental health assessments which are tendered by Respondent if the assessments were by assessors pre-approved by the Board, and pre-approval should be sought from the Executive Director of the Board.

4. Each party shall bear their own costs.

NOTICE

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

This the 25 day of July, 2021.

NORTH CAROLINA ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD

By:

Johnny Bass
Johnny Bass, Treasurer