

BEFORE THE NORTH CAROLINA ADDICTIONS SEPCIALIST
PROFESSIONAL PRACTICE BOARD

NORTH CAROLINA ADDICTIONS SPECIALIST)

PROFESSIONAL PRACTICE BOARD,)

Petitioner)

)

v.)

ALEXANDER AVERELL,)

Respondent)

CONSENT ORDER

EC No. 589-19

THIS CAUSE came on before the North Carolina Addictions Specialist Professional Practice Board (“the Board”) with the consent of Alexander Averell, to resolve Ethics Complaint No. 589-19.

I. Jurisdiction:

The North Carolina Addictions Specialist Professional Practice Board, formerly known as the North Carolina Substance Abuse Professional Practice Board, whose mailing address is 1046 Washington Street, Raleigh, NC 27605, is an occupational board of the State of North Carolina, organized under N.C. Gen. Stat. § 90-113.30, *et seq.* The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 150B-1, *et seq.*, and 21 N.C. Admin. 68 .0101 *et seq.*

II. Identification of Licensee/Respondent:

Alexander Averell, (Respondent), resides at 113 Flora Springs Drive, Cary, NC 27519. The Respondent holds Licensed Clinical Addictions Specialist – Associate license No. 24967, which was first issued on September 6, 2019, and which will expire on January 2, 2024, if not renewed.

III. Waiver of Rights:

Respondent understands that he has the right to a hearing before the Board, the right to present evidence in mitigation of any sanction that could be imposed for a violation; the right to confront and cross-examine witnesses and to challenge evidence presented by the Board; the right to present legal arguments in a brief; and the right to appeal from any final decision adverse to Respondent’s license to practice. Respondent hereby freely and knowingly waives these rights without further process and agrees to the terms of this Consent Order. In order to resolve this matter by a Consent Order, Respondent agrees that the Board staff and counsel may discuss this Consent Order with the Board subcommittee assigned to this matter *ex parte* whether or not the Board accepts this Order as written.

IV. Stipulation to Facts:

The Respondent and the Board stipulate to the following facts:

- A. Respondent was first credentialed with this Board on September 6, 2019, as a Licensed Clinical Addictions Specialist – Associate (LCAS-A No. 24967).
- B. Respondent has a substance abuse disorder that interferes with his ability to practice substance abuse counseling with reasonable skill and safety, and has used drugs to the extent that professional competence has been affected.

V. Stipulated Order:

The parties consent to the following terms in settlement of this case:

A. Stipulation to Sections of Law Violated:

Respondent admits that he has a substance abuse disorder that interferes with his ability to practice substance abuse counseling with reasonable skill and safety, and has used drugs to the extent that professional competence has been affected, in violation of N.C.G.S. Section 90-113.44(a)(2); and in violation of 21 NCAC 68 .0601(6)(c). These violations constitute grounds for disciplinary action.

B. Stipulation to Sanction

In lieu of proceeding to hearing, Respondent and the Board hereby enter into this Consent Order whereby the Respondent and Board agree to the following terms:

- 1) Respondent admits the **Stipulation to Facts** above.
- 2) Respondent's license as a LCAS-A is suspended until January 2, 2024, and subject to the terms below. During the period of suspension, Respondent shall not practice substance abuse counseling, nor make any representation that he is practicing substance abuse counseling in any capacity.
- 3) Respondent affirms that he is neither seeing clients nor providing substance abuse counseling at this time. Respondent affirms that he will not provide substance abuse counseling under the jurisdiction of this state, unless and until his North Carolina license is restored to active status.
- 4) At any time after June 30, 2021, Respondent may petition the Board to have the stay lifted, and the Board will lift the stay if and only if (a) Respondent submits to a substance abuse assessment by a Board approved assessor; (b) Respondent complies with any recommendations made by the Board approved assessor; and (c) the assessor is of the opinion that Respondent is fit to practice substance abuse counseling.

The Assessor may require a drug screen as part of the assessment. Respondent will be liable for all assessment costs, including the drug screen, and costs necessary to comply with any recommendations made.

5) Respondent shall provide a copy of the fully executed Consent Order to any other professional credentialing body with whom Respondent is currently credentialed, and upon application for any subsequent professional credential. Any practice provided under another professional license/certification/registration shall be restricted to the services regulated by that professional licensing body and shall not incorporate the practice of substance abuse counseling.

VI. Costs

The parties agree that each party shall bear its own expenses incurred regarding this matter, including attorneys' fees and any other professional services, and that no claim for such expenses shall be made by either party against the other.

VII. Effective Date

The effective date of this Order is the date on which it is signed by the Board's Chair, or by the Chair of the Ethics Committee of the Board.

VIII. Public Record

The parties agree that this Consent Order is a public record, and that other related documents are part of the investigative file and are not public records.

IX. Adverse Action Reporting

The parties agree that this Consent Order contains an adverse action and, therefore, will be reported to the National Practitioners Data Bank (The Data Bank) through the Public Protection Database (PD).

X. Respondent's Contact Information

Within 21 days of the effective date of this Consent Order, Respondent shall submit to the Board by certified mail Respondent's: 1) Residential address and residential phone number; 2) Primary mailing address, if different from the residential address; and 3) Business address(es) and business phone number(s), if any. Respondent shall notify the Board by certified letter, return receipt, within one week of changes in Respondent's contact information during the pendency of this Consent Order.

XI. Compliance with Consent Order

A). This Order and its provisions are effective on the date of signature by the Board's Chair, or the Chair of the Ethics Committee of the Board; and only addresses the facts and circumstances set forth in the Stipulation to Facts.

B). Any modifications of this Consent Order must be pre-approved in writing by the Board before it may occur.

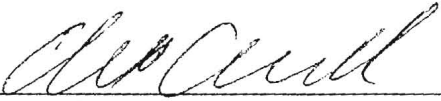
C). Failure by the Respondent to meet the terms of this Order, either in substance or in timing, is grounds for further discipline by the Board. If, during the term of this Consent Order, the Board staff receives evidence that Respondent has violated any of the above conditions, the Board may schedule a show cause hearing for a determination of the violations.

D). Should circumstance arise that affect the Respondent's ability to remain in compliance, the Respondent shall immediately notify the Board in writing by certified mail fully describing the situation along with any attendant request for Board consideration.

E). Communications with Respondent regarding compliance with this Consent order may occur between the Board and Respondent.

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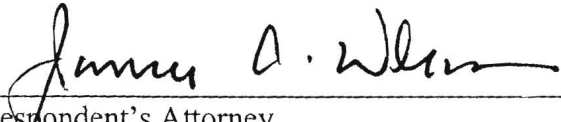
WE CONSENT:



Alexander Averell
Respondent

12-30-2019

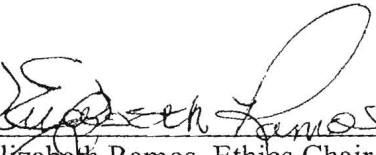
Date



Respondent's Attorney

30 December 2019


Date



Elizabeth Ramos, Ethics Chair
North Carolina Addictions Specialist Professional
Practice Board

1-7-20

Date



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Professional Practice Board

1/3/20

Date