

NORTH CAROLINA
BUNCOMBE COUNTY

BEFORE THE NORTH CAROLINA
ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD

NORTH CAROLINA ADDICTIONS)
SPECIALIST PROFESSIONAL)
PRACTICE BOARD,)
Petitioner)
v.)
GINGER VINCENT MALCOM,)
Respondent)

CONSENT ORDER - ADMONITION
EC-691-21

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 Ginger Vincent Malcom ("Respondent" or "Malcom") in lieu of a formal hearing on issues raised in that Ethics Complaint filed August 27, 2021.

The Board, with the consent of Malcom, 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.

2. Respondent Ginger Vincent Malcom is a citizen and resident of Buncombe County, North Carolina; and is neither a minor nor an incompetent person.

3. On September 12, 2017, Respondent received from the Board the Certified Alcohol and Drug Counselor credential (CADC No. 24126), which will expire on June 1, 2022, if not renewed. [Certified Alcohol and Drug Counselors were previously known as Certified Substance Abuse Counselors.]

4. On December 16, 2021, the Board received an Ethics Complaint with respect to Respondent ("the Ethics Complaint"), which it designated for administrative purposes, as EC File no. 691-21.

5. On March 8, 2022, the Board sought discipline with respect to matters set forth in the Ethics Complaint by filing a Notice of Hearing with the Office of Administrative Hearings, commencing *North Carolina Addictions Specialist Professional Practice Board v. Ginger Vincent Malcom*, OAH File No. 22 SAP 882 (“the Contested Case”).

6. During all times relevant to this matter, Respondent operated and directed R.E.A.L. Foundation, Inc., which conducted business in and around Asheville, North Carolina.

7. Respondent, either directly or indirectly through R.E.A.L. Foundation, Inc., owned and operated a residential facility for her substance use disorder clients.

8. Respondent posted a photograph of her clients taking a trip to the beach on the R.E.A.L. Foundation, Inc. website, without their prior written consent.

9. The picture on the R.E.A.L. Foundation, Inc. website discloses that the individuals in the image were receiving substance use or other counseling services.

10. Use of the client images without prior written consent breached the confidentiality of the clients, in violation of 21 NCAC 68 .0508(a).

11. Use of client images, in general, placed the welfare of the clinician over that of the client, in violation of 21 NCAC 68 .0507.

12. Respondent is subject to the North Carolina Addictions Specialist 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.

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.

14. The parties have agreed, rather than proceed with a previously filed Contested Case, to the consent resolution contained herein.

15. More specifically, the parties agree that Respondent should be ADMONISHED for her posting of client images without their prior written consent; that Respondent should take an additional six (6) hours of continuing education, with three (3) hours focused on boundary violations, and three (3) hours of general ethics; and that all remaining allegations in the Ethics Complaint should be dismissed.

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.

2. The resolution provided for in this Consent Order is the appropriate resolution of this matter.

3. Each party should bear its own costs incurred in connection with the Board's investigation.

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, *et seq.*, it is hereby ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Respondent is hereby ADMONISHED for posting client photographs on the R.E.A.L. Foundation, Inc. website without the clients' prior written consent.

2. Respondent shall complete, and provide the Executive Director of the Board with evidence of completion, within ninety (90) days of entry of this Consent Order, and service of a copy of the same on Respondent, six (6) hours of Board approved continuing education. Three of the six (6) hours shall be focused on boundary issues, and the other three (3) hours shall be focused on general ethics. These six (6) hours may be used in full or partial satisfaction of no other Board requirement.

3. The Board shall dismiss the Contested Case within ten (10) days of entry of this Consent Order.

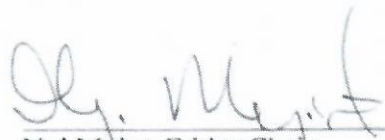
4. Entry of this Consent Order shall be upon signature by the Ethics Chair of the Board.

5. Each party to this proceeding shall bear their own costs, and the Board shall bear its own costs of investigation.

This the 6th day of May, 2022.

NORTH CAROLINA ADDICTIONS
SPECIALIST PROFESSIONAL
PRACTICE BOARD

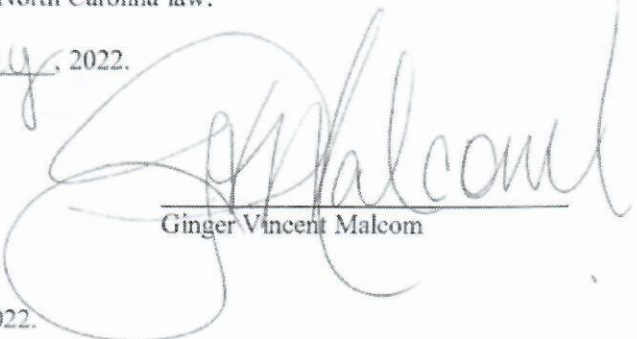
By:


Nyi Myint, Ethics Chair

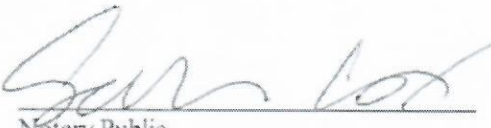
STATEMENT OF CONSENT

I, Ginger Vincent Malcom, 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, 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 5th day of May, 2022.


Ginger Vincent Malcom

Sworn to and subscribed before me
this the 5 day of May, 2022.


Notary Public

My commission expires: 11-11-26

Sarah Cox
Notary Public
Buncombe County, NC
My Commission Expires: 11/11/2026