

NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA
ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD
EC CASE NO. 734-22

NORTH CAROLINA ADDICTIONS)
SPECIALIST PROFESSIONAL)
PRACTICE BOARD,)
Petitioner,)
)
v.)
)
BETHENA S. JACKSON)
(CADC NO. 2421),)
Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY DECISION

In accordance with N.C. Gen. Stat. § 150B-40(d), the North Carolina Addictions Specialist Professional Practice Board (hereinafter the “Board”) issues the following Findings of Fact, Conclusions of Law, and Final Agency Decision in this matter.

The record reflects that a quorum of the Board was present at the hearing held on October 28, 2022, and at the time the Board made this decision on October 28, 2022. At the hearing, Catherine E. Lee, General Counsel, appeared for Board staff. Respondent appeared *pro se*.

Before the hearing, the following inquiry was read aloud in accordance with state ethics laws: “[d]oes any board member have any known conflict of interest with respect to this matter coming before the Board today? If so, please identify the conflict or appearance of conflict and refrain from any undue or inappropriate participation in the particular matter involved.”

PETITIONER’S LIST OF EXHIBITS

1. Request for Investigation from DHHS, Office of Inspector General
2. Article from South Carolina Attorney General
3. Request for Response to Complaint
4. Richland County, SC Case History 2019A4010300091 and 2019A4010300092
5. Board Counsel Letter to Respondent
6. Order for Summary Suspension
7. Notice of Hearing
8. Email from Respondent
9. Affidavit of Service for Notice of Hearing and Order for Summary Suspension

FINDINGS OF FACT

1. On July 2, 2009, Respondent was certified by the Board as a Certified Alcohol and Drug Counselor (CADC No. 2421).
2. During all relevant times to this matter, Respondent was an employee of New Outlook Second Chance (NCOS), which provided clinical behavioral counseling healthcare to services to adults and children.
3. On July 29, 2022, the Board was informed by the Department of Health and Human Services, Office of Inspector General, that Respondent had been excluded from participation in all Federal health care programs, as defined in section 1128B(f) of the Social Security Act, due to Respondent's conviction in State of South Carolina, County of Richland.
4. Upon investigation, the Board determined that, on November 5, 2019, Respondent was indicted for conspiring to create and subsequently submitting fraudulent documentation to bill South Carolina Medicaid for services not actually provided between October 3, 2014, and February 1, 2016.
5. Respondent did not inform the Board of her indictment within thirty (30) days of the charges, as required by 21 NCAC 68 .0606(c).
6. On September 21, 2021, Respondent pled guilty to the crime of Obtaining Signature or Property under False Pretenses, with a value of \$10,000 or more, in Richland County General Sessions Court, in violation of the 2012 South Carolina Code of Law, Title 16, Chapter 13 § 16-13-240. Respondent was ordered to pay restitution in the amount of \$29,128.26 to reimburse the State of South Carolina Medicaid.
7. At hearing, Respondent's criminal history records affirmed the aforementioned indictment referenced in Paragraph 4 and plea referenced in Paragraph 6. Further, at hearing, Respondent admitted to her conviction of the felony set forth in Paragraph 4.
8. Respondent did not inform the Board of her conviction within thirty (30) days of the charges, as required by 21 NCAC 68 .0606(c).
9. Respondent renewed her CADC No. 2421 with the Board in August 2021, without disclosing her pending criminal charges.
10. The Board finds that the crime of Obtaining Signature or Property under False Pretenses, with a value of \$10,000 or more, by fraudulently billing South Carolina Medicaid for services not actually provided is directly related to the duties and responsibilities of a Certified Alcohol and Drug Counselor.

CONCLUSIONS OF LAW

1. Respondent is subject to the Administrative Procedure Act, N.C. Gen. Stat. § 150B, with the North Carolina Substance Use Disorder Professional Practice Act, N.C. Gen. Stat. § 90, Article 5C, and the rules and regulations adopted by the Board and codified in Title 21, Chapter 68 of the North Carolina Admin Code.
2. Respondent is subject to jurisdiction before the Board.
3. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.
4. Respondent's acts and/or omissions as described above constitute violations of N.C. Gen. Stat. §§ 90-113.44(a)(3), (a)(4), (a)(6), (a)(7), (a)(9), as well as 21 NCAC 68 .0606(c), .0505(b), .0511(a), and .0601(1), (2), (3), (5), (7).
5. Based upon the foregoing Findings of Fact and Conclusions of Law, the Board has the authority to suspend, revoke or otherwise discipline Respondent's certification as a CADC.


FINAL AGENCY DECISION

The North Carolina Addictions Specialist Professional Practice Board hereby issues the following decision:

1. The Board finds the Summary Suspension, issued on September 6, 2022, which suspended Respondent's certification as Certified Alcohol and Drug Counselor (CADC NO. 2421) was properly issued and will be upheld.
2. The Board also finds the actions and omissions of Respondent described herein warrant revocation of the Respondent's certification as Certified Alcohol and Drug Counselor (CADC NO. 2421).
3. This Final Agency Decision shall take effect upon service of Respondent in a manner consistent with N.C. Gen. Stat. § 150B-42(a).
4. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondent has thirty (30) days from the date that she receives this Final Agency Decision to file a Petition for Judicial Review. The Petition for Judicial Review must be filed in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. Since this is an administrative appeal, no additional evidence will be taken. If a Petition

is filed, a Superior Court Judge will review the Final Agency Decision to determine whether there were any legal errors in the Final Agency Decision.

By order of the North Carolina Addictions Specialist Professional Practice Board, this, the
15th day of November, 2022.

By: 

Flo Stein, Board Chair
North Carolina Addictions Specialist Professional
Practice Board

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this day the foregoing **Findings of Fact, Conclusions of Law, and Final Agency Decision** was served upon the Respondent in this action by US Mail, First Class, Postage Prepaid, and addressed as follows:

Ms. Bethena Jackson
1526 S. 30th St.
Louisville, KY 40211-1802

This the 15 day of November, 2022



Catherine E. Lee