

BEFORE THE MISSISSIPPI BOARD OF EXAMINERS
FOR LICENSED PROFESSIONAL COUNSELORS

IN THE MATTER OF

DAVID CARPENTER

COMPLAINTS NO. 2018-48

AGREED ORDER

This matter having come before the Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”), concerning the entry of an Agreed Order for the purpose of settling a disciplinary proceeding pending before the Board.

Having considered the matter, the parties by consent, enter this Agreed Order and make the following Findings of Fact and Conclusions of Law, to-wit:

1.

[PARTIES]

The parties to this action are:

- a) The Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”), which is a duly constituted Board existing within the executive branch of the government of the State of Mississippi. Its main executive offices are located at 239 North Lamar Street, Suite 402, Robert E. Lee Building, Jackson, MS 39201.
- b) David Carpenter, Licensee Number 1792 and the Respondent to this action, whose mailing address is 804 Taylor Street Corinth, MS 38834.

2.

[AUTHORITY]

That Board is charged by law with the responsibility of licensing and regulating the practice of counseling in the State of Mississippi and with the protection of the public pursuant to Section 73-30-1, *et seq.*, Miss. Code Ann. (1972), as amended.

3.

[ALLEGATIONS]

A complaint was filed with the Board that indicated that David Carpenter 1) was engaged in inappropriate billing practices including charging insurance for excess time and allowing both licensed and non-licensed professional bill under his private NPI number; 2) was engaged in questionable fitness for practice as noted by his falling asleep during counseling sessions; 3) provided distance counseling services without proper education and certification in violation of Board Rules; 4) was using improper billing codes for clients; 5) breached confidentiality to office personnel without authorization from clients; and 6) and engaged in inappropriate relationships with previous and current clients by hiring them as employees.

These alleged actions violate the American Counseling Association (“ACA”) Code of Ethics Sections A.10.b. Unacceptable billing practices; Confidentiality B.1.c, B.3.c; Inappropriate Relationships A.6.e; A.6.c; Distance Professional Counseling H.1.a, H.2.d.; Professional Responsibility Section C, C.2.g; Proper Evaluation, Assessment, and Interpretation E.5.a and Board Rules 7.4 and 7.5.

4.

[STIPULATED DISPOSITION]

There is now pending before the Board certain allegations of unethical conduct that if established before the Board in a due process hearing pursuant to Section 73-30-21 of the Miss. Code of 1972 as amended, would constitute violation of the Board’s Rules, Regulations and Rules of Ethics, specifically the ACA Code of Ethics Sections A.10.b, B.1.c., B.3.c., A.6.e., A.6.c., H.1.a., H.2.d., C.2.g., E.5.a and Board Rules 7.4 and 7.5 for which the Board may suspend or revoke the license of the Respondent, issue a reprimand, or take any other action as the Board deems necessary.

Respondent agrees and consents that the following disposition is just and appropriate under the circumstances.

- a. Respondent's LPC license remains in good standing.
- b. Respondent complete nine (9) Continuing Education Hours in ethics of Extending Counseling Boundaries, three (3) Continuing Education Hours in Documentation, (at least one hour in Informed Consent), three (3) Continuing Education Hours in, Confidentiality, three (3) Continuing Education hours in Distance Professional Counseling, and six (6) hours in Counseling Business Practices. These hours shall be obtained in excess of the hours required for renewal. This should be a class or seminar (or face to face, not online) and be NBCC approved. The CEH shall be approved by the investigating Board member prior to attendance by the LPC.
- c. Respondent agrees to be seen by an LPC or another licensed professional, approved by the investigating Board member, who will complete a fitness for practice examination. The evaluation is to be paid for by Respondent and a report is to be sent to the investigating Board member for review. The evaluating professional will determine if Respondent is fit to continue in independent practice. The evaluating professional shall contact the investigating Board member to discuss areas of focus. In the event the evaluating professional determines that Respondent is fit for practice, there will be no restrictions on Respondent's license. In the event that the evaluating professional determines that Respondent is not fit for practice, Respondent will cease practicing and be in contact with the investigating Board member on how to proceed.
- d. Respondent shall complete half of the CEH hours of the Agreed Order within six (6) months of the signing of this Order. The remaining CEH hours are to be completed within twelve (12) months) of the signing of this Order. The fitness for practice evaluation shall be begun within forty-five (45) days of this order and completed within ninety (90) day of the signing of this Order. Respondent shall notify the investigating board member of the completion of

(b) above. In the event that the Respondent does not complete (a) through (c) within the time frames above, Respondent's LPC license shall be suspended until completion of (a) through (c) and will require Board approval prior to the license being reinstated.

5.
[RIGHTS]

Respondent has had the opportunity at all times to seek advice of competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those referenced in the Agreement.

Respondent is fully aware of his rights to contest the charges in a formal hearing. These rights include: representation by an attorney at the Respondent's expense, the right to a public hearing on the charges filed, the right to confront and cross examine witnesses called to testify against him, right to present evidence in Respondent's own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the charges, and the right to obtain judicial review of the Board's decision.

The Board has given the Respondent due, proper and timely notice of the charges against him.

All of said rights being voluntarily waived by Respondent in exchange for the Board's acceptance of this Agreed Order.

6.
[JURISDICTION]

The Respondent acknowledges that the Board has jurisdiction over the subject matter and has the authority to enter into this Agreed Order pursuant to Miss. Code Ann. (1972) Section 73-30-7, as amended, and Rule 8.2(E)(3)(c) of the Board Rules and Regulations. Venue is likewise properly before the Board to consider this matter in Jackson, Hinds County, Mississippi. All substantive and procedural requirements under the law have been met by the Board. This matter

is, therefore, properly before the Board.

7.
[AUTHORITY OF THE BOARD]

The Board is created pursuant to Miss. Code Ann. (1972) Section 73-30-5 as amended. The Board, in accordance with Section 73-30-21 of the Miss. Code Ann. (1972) and Rule 8.2(E)(3)(c) of the Board Rules and Regulations, has authority to resolve a complaint between the Board and a licensee.

WHEREFORE PREMISES CONSIDERED, this Agreed Order is submitted with the following conditions:

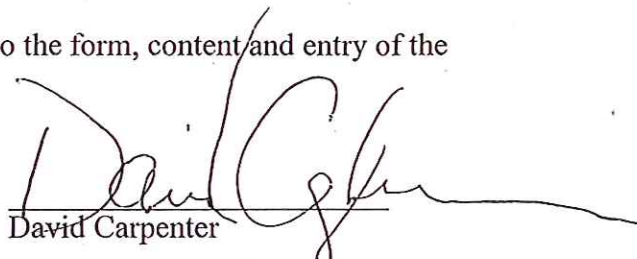
1. This Agreed Order resolves the disputes and controversies between the Board and the Respondent as related in the Complaint 2018-48. This Order is not intended to prevent the Board from receiving and investigating other complaints.
2. By entering into this Agreed Order, the Respondent waives any defect in the proceedings before the Board and any further right to notice and hearing under Title 73, Chapter 30 of the Miss. Code of 1972, as amended, or any other governing laws, rules and regulations.
3. This Agreed Order contains the entire agreement between the Respondent and the Board, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreed Order.
4. If Respondent violates the terms of this Agreed Order or further violates the laws, rules, regulations and code of ethics governing practice as a licensed professional counselor, the Board may take further disciplinary action against the Respondent, up to and including suspension and revocation of his license.
5. This action and order of the Board shall be public record and may be shared with other licensing Boards (in and out of state) and the public. This disciplinary action shall be spread upon the Minutes of the Board as its official act and deed and as the need may arise shall

be reported to and posted with the appropriate authorities and published.

6. It is expressly understood by the Respondent that this Agreed Order is subject to the approval of the Board and shall have no force and effect unless and until signed by the Board. Respondent agrees and authorizes the Board staff and/or legal counsel to present this Agreed Order to the Board for consideration of the terms provided herein. Respondent further understands and agrees that, in order to make a decision regarding approval of this Agreed Order, discussions must take place between Board members, staff and legal counsel. Should this Agreed Order not be accepted by the Board, Respondent agrees that the presentation to and consideration of the Agreed Order shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings, including serving as arbiter in any hearing regarding the Respondent by having considered this matter. Similarly, if this Agreed Order is not accepted Respondent will be free to defend himself in a formal hearing before the Board and no admissions or inferences will be made from Respondent's willingness to have entered into this Agreed Order.
7. Upon execution of this Agreed Order by affixing the Board authorized signature below, the provisions of this Agreed Order shall become Final Order of the Board and no hearing before the Board will be granted or held in this matter.
8. There is no right of appeal.

Approved for Entry:


The undersigned party hereby agrees and consents to the form, content and entry of the above and foregoing Agreed Order.


David Carpenter
06-18-2019
Date

APPROVED AND ACCEPTED BY THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS on this the 26th day of June, 2019.

SO ORDERED, this the 26th day of June, 2019.

MISSISSIPPI STATE BOARD OF EXAMINERS
FOR LICENSED PROFESSIONAL COUNSELORS

BY: 
Dr. Richard Strebeck, Chair
For and on behalf of the Board

Prepared by:
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