

**BEFORE THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED
PROFESSIONAL COUNSELORS**

In the Matter of:
Terry Smith, Licensee

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No.: 18-03

FINAL ORDER

This matter came for hearing on November 6th, 2019, before the Mississippi State Board of Examiners for Licensed Professional Counselors (“Board” to provide Terry Smith with an opportunity to respond to the allegations contained within the Complaint. A quorum of Board Members was present throughout the hearing and deliberated the matter. In attendance were Dr. Richard Strebeck, Dr. Kimberly Sallis, and Dr. Lynn Etheridge. Dr. Strebeck was present but did not vote or participate in deliberations. Kim Papania served as Administrative Hearing Officer and presided at the hearing. The Board’s Executive Director, Leanne Mordecai, and Legal Counsel for the Board, Ken Walley, were present at the hearing. The Respondent did not appear in person, though he was noticed in accordance with the Board’s regulations as to the time and location of the hearing. Thereafter, the case was called for hearing without objection from any party.

After considering the testimony and the documentary evidence presented at the hearing, including the file on the Respondent at the Board’s office, the Board finds clear and convincing evidence of the following Findings of Fact:

FINDINGS OF FACT

1. The Board is a duly constituted authority for licensing and regulating the counseling profession in the State of Mississippi.

2. Terry Smith, the Respondent to this action, holds a license to practice as a professional counselor in Mississippi, having been issued Provisional Licensed Professional Counselor, Number P-0140, on 9/28/2018.
3. On or about February 5th, 2019 the Board received a copy of a complaint filed by Jeanine Boykin, an employee of Pine Belt Mental Health. The complaint alleges that Terry Smith was terminated from Pine Belt Mental Health after the family of a client showed management a series of text messages and telephone calls between Respondent and a client. The text messages were of a sexual and/or romantic nature. The Board initiated an investigation and assigned Dr. Richard Strebeck, Ph.D., LPC, as the investigating Board Member in this matter following receipt of the complaint.
4. Respondent provided a written response to the Board on or about May 22nd, 2019. In said response, Respondent admitted he engaged in romantic and/or sexual text messages with the individual in question. Respondent also admitted to not using an ethical decision-making model. His response also indicated that the individual in question was on the client list of Terry Smith at the time, and that Mr. Smith updated this individual's treatment plans.
5. The Board, subsequently, filed a Notice of Hearing and Complaint against the Respondent on October 3rd, 2019, setting this matter for hearing on November 6th, 2019. The Respondent was properly served with the Notice of Hearing and Complaint by certified mail, which was directed to the Respondent at his address registered with the Board.

6. The Board heard the testimony of the investigating board member, Dr. Richard Strebeck. Dr. Strebeck testified that he interviewed Donna English, Human Resources officer at Pine Belt, and Jeanine Boykin, the Respondent's supervisor and complainant. Dr. Strebeck testified that witnesses informed him that the family of the client in question brought evidence of the text messages and nighttime phone calls to Pine Belt's attention, and that Pine Belt terminated Terry Smith as a result. Dr. Strebeck also testified that the client's family insisted on confidentiality, and that Pine Belt did not wish to reveal the client's name, but Pine Belt did reveal that this individual was of a diminished mental capacity, and possibly a vulnerable adult. Witnesses also informed Dr. Strebeck that in the company's opinion, this individual was clearly a client of Terry Smith, as he appeared on Terry Smith's case list, Smith conducted two sessions with this individual and updated his treatment plan. Dr. Strebeck agreed that this would create a counselor-client relationship.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Sections 73-30-7 and 73-30-21 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter.
2. Pursuant to Sections 73-30-7 and 73-30-21 of the *Mississippi Code of 1972*, as amended, as Chapter 8 of the Board's *Rules and Regulations*, the Board may, among other things, suspend or revoke a license, refuse to renew a license,

reprimand a licensee, and/or impose such other requirements or restrictions as the board finds proper.

3. The Respondent received due, proper and timely notice of the charges against him, and of the time and place of the hearing. This matter is, therefore, properly before the Board.
4. The Board has complied with all relevant procedural legal requirements
5. Pursuant to Section 73-30-13 of the Mississippi Code of 1972, as amended, and Chapter 7 of the Board's *Rules and Regulations*, individuals licensed by the Board adhere to the American Counseling Associations' *2014 Code of Ethics*.
6. By engaging in sexual and/or romantic counselor-client interaction or relationship with a client during the counselor/client relationship, as described above in the Findings of Fact, the Respondent violated Sections 73-30-13 and 73-30-21(g) of the Mississippi Code of 1972, as amended, and Chapter 8, Section 1(H) and 1(K) of the Board's *Rules and Regulations* in that:
 - a. He engaged in a sexual and/or romantic counselor-client interaction or relationship with a client during the counselor/client relationship with a current client in contravention of Section A.5.a. of the American Counseling Association's *2014 Code of Ethics*.
 - b. He engaged in personal virtual relationship with an individual with whom he had a current counseling relationship in contravention of

Section A.5.e. of the American Counseling Associations *2014 Code of Ethics*.

- c. He failed to use and document an ethical decision making model to resolve the ethical dilemma in contravention of Section I.1.b. of the American Counseling Association's *2014 Code of Ethics*.

Based upon the clear and convincing evidence and these Conclusions of Law, the Board makes the following:

ADJUDICATION

The Board orders and directs, for the violations cited herein (separately and jointly), that:

1. The license of Terry Smith, Provisional Licensed Professional Counselor, Number 0140, is hereby revoked.
2. The Respondent may not apply for a license reinstatement prior to the expiration of one (1) year form the date of entry of this Final Order. All current requirements for licensure must be met.
3. This action and order of the Board shall be public record and shall be spread upon the minutes of the Board as its official act and deed.

SO ORDERED this the 28th day of February, 2020

MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS

By: _____

Dr. Kim Salls, Vice-Chair

For and on behalf of the Board