

BEFORE THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:

THOMAS RICHARD BALKCOM

CAUSE NO. 2021-08

CONSENT ORDER

This matter comes before the Mississippi State Board of Examiners for Licensed Professional Counselors (Board) concerning an entry of a consent order regarding Thomas Richard Balkcom (Respondent).

Upon recommendation of the Board's representative in this matter, and with consent of Respondent, the parties stipulate and agree to the following:

FINDINGS OF FACT

1. The Board is a duly constituted authority existing within the executive branch of the government of the State of Mississippi and is charged with licensure and regulation of the practice of licensed professional counseling under Title 73, Chapter 30, of the Mississippi code of 1972, as amended. The main executive offices are located at 239 North Lamar Street, Suite 402, Jackson, MS 39201.
2. Respondent is a Licensed Professional Counselor holding license Number 1181 issued by the Board. This license was initially issued on or about December 1, 2005, and is set to expire June 30, 2023.
3. Respondent is a Board qualified supervisor holding BQS Number 401 issued by the Board. This license was initially issued on or about February 3, 2020 and is set to expire June 30, 2023.
4. By entering into this Consent Order, Respondent waives any defect in proceedings before the Board and any further right to notice and hearing under Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, or any other governing laws, rules, and regulations at this time.
5. Respondent had the opportunity at all times to seek advice from competent counsel of his choice. No coercion has been exerted upon the Respondent nor have any promises been made other than those reflected in this Consent Order. The Respondent has freely and voluntarily entered into this Consent Order after the opportunity to consult with legal counsel and being motivated only by the desire to resolve the issues addressed herein and for the purpose of avoiding further administrative or judicial action with respect to this cause.

6. It is expressly understood by the Respondent that this Consent 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 Consent 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 Consent Order, discussions must take place between Board members, staff and legal counsel. Should this Consent Order not be accepted by the Board, Respondent agrees that the presentation to and consideration of the Consent 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 Respondent by having considered this matter. Similarly, if this Consent 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 this Consent Order.
7. Respondent is fully aware of his right to contest charges made against him in a formal hearing. These rights include representation by an attorney at Respondent's expense, the right to a public hearing on the charges filed, the right to confront and cross examine witnesses, to receive written findings of fact and conclusions of law supporting the decision of the merits of the accusations, and the right to obtain judicial review of the Board's decision.
8. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of any action taken by the Board and/or its representative(s) in this matter, the Consent Order and/or the stipulated Findings of Fact, Conclusions of Law and penalty imposed by the Consent Order.
9. The clear and convincing evidence establishes the following:
 - a. Harlie Blauw filed a complaint against Respondent alleging that while she began seeing Respondent for counseling, Respondent offered to provide clinical supervision for her. The counseling was comingled with supervision during the session. It is alleged that no supervision agreement was established through the Board's online portal and no supervision contract was used. Accordingly, Respondent is alleged to have violated the following American Counseling Association (ACA) Codes of Ethics:
 - i. A.6.b. – Extending Counseling Boundaries
 - ii. A.6.c. – Documenting Boundary Extensions
 - iii. A.6.d. – Role Changes in the Professional Relationship
 - iv. F.1.c. – Informed Consent and Client Rights
 - v. F.3.a. – Extending Conventional Supervisory Relationships
 - vi. F.6.c. – Counseling for supervisees
 - vii. I.1.b. – Ethical Decision Making

- b. Respondent allegedly did not follow his policy regarding fees for payment, i.e., did not take payment or copayments for services. Accordingly, Respondent is alleged to have violated the following ACA Codes of Ethics:
 - i. A.2.a. – Informed Consent
 - ii. A.2.b. – Types of Information needed

- c. Respondent allegedly billed Blauw’s insurance for sessions, which included both counseling and supervision. Accordingly, Respondent is alleged to have violated the following ACA Code of Ethics:
 - i. C.6.b. – Reports to Third Parties

- d. Respondent allegedly exhibited poor boundary management by inviting Blauw to play guitar at his church, help her with a work-related community function, offering to serve on her dissertation committee, and encouraged personal interactions with his children, which included her providing guitar lessons to Respondent’s child. Accordingly, Respondent is alleged to have violated the following ACA Codes of Ethics:
 - i. A.6.b. – Extending Counseling Boundaries
 - ii. A.6.c. – Documenting Boundary Extensions
 - iii. A.6.e – Nonprofessional Interactions or Relationships (other than sexual or romantic interactions or relationships)
 - iv. I.1.b. – Ethical Decision Making

- e. Respondent allegedly did not maintain adequate records for treatment or billing. Accordingly, Respondent is alleged to have violated the following ACA Codes of Ethics:
 - i. A.1.b. – Records and Documentation

- f. Respondent allegedly claims doctoral-level counseling competence without a doctoral degree in counseling or a closely related field. Respondent is alleged to have violated the following ACA Code of ethics:
 - i. C.4.d. – Implying Doctoral-Level Competence

- g. Respondent allegedly did not release Blauw’s medical records to her after submitting her request in writing or her psychiatrist after submitting a signed medical release of information for the psychiatrist to Respondent. Accordingly, Respondent is alleged to have violated the following ACA Codes of ethics:
 - i. B.6.a. – Creating and Maintaining Records and Documentation
 - ii. B.6.e. – Client Access
 - iii. B.6.g. – Disclosure or Transfer
 - iv. I.1.b. – Ethical Decision Making

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Respondent under Section 73-30-7 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before this Board to hear this matter in Jackson, Hinds County, Mississippi.
2. The Board gave Respondent due, proper and timely notice of the charges against him and has fulfilled all relevant procedural legal requirements.
3. Under Section and 73-30-21, the Board is authorized to revoke, suspend, assess a civil penalty (fine), place a license holder on probation, refuse to renew a license and/or take other appropriate action with respect to any license for a violation of the laws, rules and regulations governing licensed professional counselors.

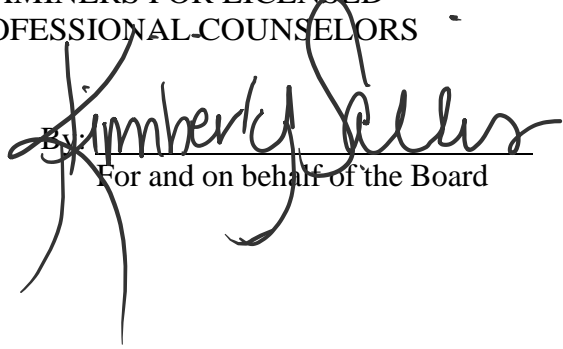
Based upon the foregoing Findings of Fact and Conclusions of Law, the Board makes the following:

ADJUDICATION

1. Respondent's LPC-S license shall be suspended for a minimum of twelve (12) months from the date the order is signed by the Board.
2. Respondent shall complete a 3-semester hour (or 5 quarter hour) graduate class in Professional Orientation to Counseling as approved in advance by the investigating Board member.
3. Respondent shall take 12 Continuing Education Hours (CEH) in Professional Counseling ethics as approved in advanced by the investigating Board member. These CEHs are in addition to the LPC renewal requirements. All CEH requirements must be NBCC approved and at least 6 CEHs must be attended in person onsite.
4. In the event Respondent does not complete the graduate class and Continuing Education Hours within twelve (12) months, Respondent's LPC license shall be suspended until the CEHs are completed and will require Board approval prior to the license being reinstated.
5. Respondent must maintain his LPC-S as pursuant to the Rules and Regulations of the Board.
6. Once the stipulations have been completed, Respondent may petition the Board for reinstatement of the LPC-S license.
7. The Respondent has until January 24, 2024 to complete the terms and conditions herein.
8. Respondent is aware that if he 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.

SO ORDERED this the 21st day of January 2022.

MISSISSIPPI STATE BOARD OF
EXAMINERS FOR LICENSED
PROFESSIONAL-COUNSELORS



For and on behalf of the Board

AGREED AS TO FORM AND CONSENT:



Thomas Richard Balkcom, LPC

Attorney for Respondent (if applicable)