

**COMMONWEALTH OF KENTUCKY
BOARD OF LICENSED PROFESSIONAL COUNSELORS
AGENCY COMPLAINT NO. 2015-28A&B and 2015-29**

IN RE: RACHEAL W. PARSONS

AGREED ORDER

This Agreed Order (the "Agreed Order") is made, by and among the Commonwealth of Kentucky, Board of Licensed Professional Counselors (the "Board") and Racheal W. Parsons (the "Respondent").

Witnesseth

Whereas, the Respondent is a credentialed Licensed Professional Counselor Associate in the Commonwealth of Kentucky, having been issued Legacy License No. LPCCCA00195386; License Number 149046; and

Whereas, pursuant to KRS Chapter 335.540, the Board is authorized to take disciplinary action against any license or certificate holder; and

Whereas, during all times relevant to this matter, the Respondent was employed at the Isaiah House in Willisburg, Kentucky; and

Whereas, during her employment at the Isaiah House, the Respondent entered in a sexual and intimate relationship with a client; and

Whereas, the client was at the Isaiah House because he was court-ordered to receive treatment; and

Whereas, the dual relationship resulted in the impairment of the Respondent's professional judgment; and

Whereas, the Respondent advocated inappropriately for the client, which included voicing objections with disciplinary actions proposed by the treatment team, stating that she had been speaking to her attorney about appearing in court on the client's behalf should the treatment team decide in favor of program dismissal, and

Whereas, the Respondent became very close to the client's family; and

Whereas, during treatment at the Isaiah House, the client relapsed and the Respondent stated the relapse was her fault; and

Whereas, the Respondent spent a weekend with the client and his family. She represented that her relationship with the client "had become physical"; and

Whereas, this relationship led to the Respondent resigning her position at the Isaiah House; and

Whereas, the Respondent has not engaged in the practice of professional counseling since October 15, 2015; and

Whereas, the Respondent suffered serious injuries in 2015 which, when coupled with her mental disorder, contributed to her lapse of judgment and the resulting charges; and

Whereas Respondent has sought and fully complied with all recommended medical and psychiatric treatment, and her health and mental condition are improved and stable; and

Whereas, the Parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing; and

Whereas, the Respondent has had the opportunity at all times to seek advice from competent counsel of choice, and no coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order; and

Whereas, the Respondent freely and voluntarily enters into this Agreed Order, motivated by a desire to resolve the issues addressed herein, and the Respondent has executed this Agreed Order only after a careful reading of it and a full understanding of all of its terms.

IT IS HEREBY STIPULATED AND AGREED among the undersigned Parties this matter shall be settled and resolved upon the following terms:

Findings

For the purpose of this Agreed Order, the Respondent acknowledges that the Board could find that she engaged in conduct which may violate the provisions of KRS 335.540(1)(e) and (g), 201 KAR 36:040, Section 2(1)(a), 201 KAR 36:040, Section 2(2)(c)1.a., and 201 KAR 36:040, Section 2(2)(d).

Voluntary Waiver of Rights

The Respondent waives the right to challenge any agreed-upon term or condition of this Agreed Order notwithstanding any other statutory provision of KRS 335.540-.550, and 335.990, and the administrative regulations promulgated thereto. The Respondent expressly agrees those agreed-upon terms and conditions contained therein are exclusively a matter of private right.

The Respondent is fully aware of the rights to contest charges in a formal hearing. These rights include: representation by an attorney at the Respondent's own expense, the right to a public hearing on any charges contained in the Formal Complaint, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's behalf, the right to compulsory process to secure the attendance of such witnesses, the right to testify on the Respondent's own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the Formal Complaint, the right to obtain judicial review of the Board's decision, and the right to appeal any final order of the Board

to the Franklin Circuit Court as otherwise allowed by KRS 335.550. The Respondent, in exchange for the Board's acceptance of this Agreed Order, is voluntarily waiving all of these rights.

Jurisdiction

The Respondent acknowledges the Board has jurisdiction over the Respondent and the conduct, which has precipitated this Agreed Order. The Respondent also acknowledges the Board has the legal power to take disciplinary action up to and including revocation of the Respondent's license to practice professional counseling in Kentucky.

The Respondent acknowledges the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Agreed Order have been met to the satisfaction of the Board.

Publication of Agreed Order

The Respondent acknowledges, once adopted by the Board, this Agreed Order is considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act. Further, the Respondent understands the Board is free to make any use it deems appropriate of the contents of this Agreed Order, which shall include the Board's ability to share the content of this Agreed Order with any governmental or professional board or organization, publication of a summary in the Board's newsletter, reporting under federal law, and availability via the Board's web site.

Terms of Agreed Order

NOW THEREFORE, in consideration of the mutual promises, covenants and Agreed Orders set forth below, the adequacy and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. The Respondent admits to a violation of KRS 335.540(1)(e) and (g), 201 KAR 36:040, Section 2(1)(a), 201 KAR 36:040, Section 2(2)(c)1.a., and 201 KAR 36:040, Section 2(2)(d).

2. The Respondent states and affirms that she has not engaged in the practice of professional counseling since October 15, 2015.

3. The Respondent agrees that:

- a. Her license shall be suspended for a period of three (3) years. The Respondent shall serve one (1) year suspension that shall be effective on October 15, 2015. The remaining two (2) years of the suspension shall be probated. The suspension shall be probated for a period of two (2) years on the condition the Respondent shall satisfactorily complete the terms of probation set forth below. The probation period is tolled and shall begin to run when the Respondent returns to engage in the practice of professional counseling.
- b. During the period of probation, she shall be supervised by a Board-approved supervisor and meet for face-to-face individual supervision for one (1) hour every two (2) weeks during the period of probation. The supervision sessions shall focus on potential dual relationships and appropriate boundaries. The Respondent shall submit three (3) names of proposed supervisors with whom she does not have a dual relationship within fifteen (15) days of her returning to the practice of professional counseling. The approved supervisor shall submit a report every six (6) months to the Board along with the supervision log being maintained by the supervisor;
- c. She shall pay a fine of \$500.00, due and payable only if and when she elects to return to the practice of professional counseling. The Respondent understands and acknowledges that any application submitted by her shall not be approved until she has paid the fine of \$500.00 and has submitted the names of three (3) proposed supervisor to the Board for approval;

d. She shall complete five (5) continuing education hours during the licensure year ending October 31, 2017, and October 31, 2018. These five (5) hours shall be in addition to any continuing education hours required under 21 KAR 36:030. The Respondent shall submit the certificate of attendance for all continuing education obtained hours during the licensure year ending October 31, 2017, and October 31, 2018, to the Board within thirty (30) days of the respective October 31.

4. The Board agrees to:

- a. Impose a suspension of the Respondent's license for a period of three (3) years. The one (1) year suspension shall be applied retroactively and effective on October 15, 2015. The remaining two (2) years of the suspension shall be probated. The suspension shall be probated for a period of two (2) years on the condition the Respondent shall satisfactorily complete the terms of probation set forth below. The probation period is tolled and shall begin to run when the Respondent returns to engage in the practice of professional counseling;
- b. Require the Respondent, as a condition of her probation, to be supervised by a Board-approved supervisor and meet for face-to-face individual supervision for one (1) hour every two (2) weeks during the period of probation;
- c. Impose a fine of \$500.00 as a condition of her probation, due and payable only if and when she elects to return to the practice of professional counseling;
- d. Order the Respondent to complete an additional five (5) continuing education hours as a condition of her probation during the licensure year ending October 31, 2017, and October 31, 2018; and

e. Not seek any additional disciplinary action against the Respondent based on the factual allegations set forth in this Agreed Order.

5. This matter shall constitute disciplinary action, which may be reportable under state or federal law.

6. The Parties agree to execute all documents necessary to settle this matter.

7. The Respondent expressly understands failure to comply with and complete all terms of this Agreed Order shall constitute failure to comply with an Order of the Board under KRS 335.540(1)(f) for which the Board may impose additional penalties available under law after notice and opportunity to be heard.

8. The Parties agree to take all actions necessary that would cause the conditions and obligations under this Agreed Order to become effective upon the date of this Agreed Order, or, in the event that additional documents may need to be executed after the date of this Agreed Order, the Parties agree to cooperate with each other and execute such additional documents to effectuate the purposes as stated herein.

9. Each of the Parties represents and warrants to the other that it: (a) has taken all requisite action to authorize the execution, delivery and performance of its obligations hereunder; (b) has all requisite power and authority to enter into this Agreed Order and to effectuate the purposes herein; (c) the Agreed Order will constitute the valid and legally binding obligation of each Party; and (d) the Agreed Order will be enforceable against each Party in accordance with the respective terms hereof.

10. This Agreed Order shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, in accordance with the laws of the Commonwealth of Kentucky without reference to its choice of law rules. Any dispute arising

hereunder shall be settled by a state court of appropriate jurisdiction in Franklin County, Kentucky. The Parties irrevocably consent to the personal jurisdiction and venue of such court. The Parties agree that any such litigation shall be by bench trial only, each of the Parties irrevocably waiving its right to jury trial in any dispute arising hereunder.

11. This Agreed Order may not be modified except by a written Agreed Order signed by all Parties.

12. The Parties represent, agree, and acknowledge that they have read this Agreed Order in its entirety and fully understand and agree to its terms.

Release of Liability

In consideration of execution of this Agreed Order, the Respondent, the Respondent's executors, administrators, successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the Kentucky Board of Licensed Professional Counselors, and the Kentucky Attorney General and each of their members, agents, and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, the Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this Agreed Order, or its administration.

Acceptance by the Board

It is hereby agreed among the Parties of this Agreed Order shall be presented to the Kentucky Board of Licensed Professional Counselors at the next regularly scheduled meeting of the Board.

The Respondent understands the Board is free to accept or reject this Agreed Order, and if rejected by the Board, a formal disciplinary hearing against the Respondent may be scheduled

thereafter with the Hearing Officer and counsel. The Respondent hereby agrees to waive any right the Respondent might have to challenge the impartiality of the Board, based solely upon the presentation of this Agreed Order, to hear the disciplinary charges if, after review by the Board, this Agreed Order is rejected.

If the Board does not accept the Agreed Order, it shall be null and void. Admissions by the Respondent in the Agreed Order will not be regarded as evidence against the Respondent at the subsequent disciplinary hearing. The Respondent will be free to defend herself and no inferences against the Respondent will be made from the Respondent's willingness to have entered into this Agreed Order.

The Agreed Order will not be submitted for Board consideration until after it has been agreed to and executed by the Respondent. The Agreed Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

Effective Date

The Effective Date of this Agreed Order means the date stated on the Certificate of Service, which is found on page fourteen (14) of this Agreed Order.

Complete Agreed Order

This Agreed Order consists of fourteen (14) pages and embodies the entire Agreed Order between the Board and the Respondent. This Agreed Order shall constitute a binding contract between the Respondent and the Board, subject only to approval by the Board as set forth above. The Respondent shall not rescind, revoke, withdraw, or seek to modify this Agreed Order prior to or during its presentation to the Board at a regularly scheduled meeting of the Board. It may not be altered, amended or modified without the express written consent of both parties.

Cooperation with the Board

The Respondent agrees to permit and cooperate with the Board, its members, agents, and employees, and its Impairment Committee and representatives, to monitor the Respondent's compliance with the terms and conditions of this Agreed Order. The Respondent shall sign and file any appropriate authorizations and/or releases for information that may be requested by the Board or its representative member.

Findings of Facts, Conclusions of Law, and Order

After having reviewed the administrative record, and the terms of the Agreed Order, the Board makes the following findings:

1. The Respondent is a credentialed Licensed Professional Counselor Associate in the Commonwealth of Kentucky, having been issued Legacy License No. LPCCCA00195386; License Number 149046.
2. During all times relevant to this matter, the Respondent was employed at the Isaiah House in Willisburg, Kentucky.
3. During her employment at the Isaiah House, the Respondent entered in a sexual and intimate relationship with a client.
4. The client was at the Isaiah House because he was court-ordered to receive treatment.
5. The Respondent advocated inappropriately for the client, which included voicing objections with disciplinary actions proposed by the treatment team, stating that she had been speaking to her attorney about appearing in court on the client's behalf should the treatment team decide in favor of program dismissal.
6. The Respondent became very close to the client's family.

7. During treatment at the Isaiah House, the client relapsed and the Respondent stated the relapse was her fault.

8. The Respondent spent a weekend with the client and his family. She represented that her relationship with the client "had become physical".

9. The Respondent's actions, which resulted in the client having a relapse, failed to advance and protect the welfare of her client in violation of 201 KAR 36:040, Section 1(1)(a).

10. The Respondent's actions of inappropriately advocating for the client demonstrated that she engaged in a dual relationship with a client that impaired her professional judgment in violation of 201 KAR 36:040, Section 2(2)(c)1.a.

11. The Respondent engaged in a sexual or an intimate relationship with a current client or with a former client for five (5) years following the termination of counseling in violation of 201 KAR 36:040, Section 2(2)(d).

12. The Board has sufficient evidence to determine that the Respondent violated KRS 335.540(1)(e) and (g), 201 KAR 36:040, Section 2(1)(a), 201 KAR 36:040, Section 2(2)(c)1.a., and 201 KAR 36:040, Section 2(2)(d).

IT IS HEREBY ORDERED THAT the terms of this Agreed Order are approved and adopted.

IT IS FURTHER HEREBY ORDERED THAT the Respondent's license be SUSPENDED for a period of three (3) years. The Respondent shall serve one (1) year suspension that shall be effective on October 15, 2015. The remaining two (2) years of the suspension shall be probated. The suspension shall be probated for a period of two (2) years on the condition the Respondent shall satisfactorily complete the terms of probation set forth above in paragraph 4(b),(c), and (d)

under the Terms of Agreed Order on page 6. The probation period is tolled and shall begin to run when the Respondent returns to engage in the practice of professional counseling.

IT IS FURTHER HEREBY ORDERED THAT the Respondent shall be supervised by a Board-approved supervisor and meet for face-to-face individual supervision for one (1) hour every two (2) weeks during the period of probation. The supervision sessions shall focus on potential dual relationships and appropriate boundaries. The Respondent shall submit three (3) names of proposed supervisors with whom she does not have a dual relationship within fifteen (15) days of her returning to the practice of professional counseling. The approved supervisor shall submit a report every six (6) months to the Board along with the supervision log being maintained by the supervisor.

IT IS FURTHER HEREBY ORDERED THAT the Respondent shall pay a fine of \$500.00, due and payable only if and when she elects to return to the practice of professional counseling.

IT IS FURTHER HEREBY ORDERED THAT the Respondent shall complete five (5) continuing education hours during the licensure year ending October 31, 2017, and October 31, 2018. These five (5) hours shall be in addition to any continuing education hours required under 21 KAR 36:030. The Respondent shall submit the certificate of attendance for all continuing education obtained hours during the licensure year ending October 31, 2017, and October 31, 2018, to the Board within thirty (30) days of the respective October 31.

IT IS FURTHER HEREBY ORDERED THAT prior to returning to the practice of professional counseling, the Respondent shall pay the fine of \$500.00 and submit the names of three (3) proposed supervisor to the Board for approval.

SO ORDERED this ____ day of July, 2017.



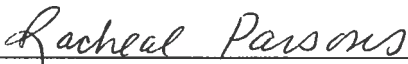
MARTY C. WESLEY Ph.D.
Chairperson

Have Seen, Understood and Agreed:



Brian T. Judy
Assistant Attorney General
Counsel for the Board

Date: 7-21-17



Racheal Parsons
Respondent

Date: 7-14-17



Mason Moore Kessinger
Kessinger Law Group, PLLC
Counsel for the Respondent

Date: 7/20/17