

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS
CASE NO. 2021-LPC-00023

KENTUCKY BOARD OF LICENSED
PROFESSIONAL COUNSELORS

PETITIONER

v.

FELICIA ANN JONES,
LPCA, License No. 247529



RESPONDENT

AGREED ORDER

The Kentucky Board of Licensed Professional Counselors (the "Board"), and Felicia Ann Jones, LPCA, License Number 247529, ("Respondent") hereby agree as follows:

1. On July 9, 2021, the Board received Complaint No. 2021-LPC-00023 from Troy Bowie Jr. (the "Complainant"). The Complainant alleges the Respondent violated the Health Insurance Portability and Accountability Act ("HIPAA") by talking to a nonparent (Complainant's spouse) about his child's protected health information. The Complainant's child was the Respondent's client. Complainant made additional allegations which were not included in the disciplinary recommendations of the Board as being issues warranting discipline.

2. Respondent submitted a response to the complaint dated September 9, 2021, which was logged by the Board on September 23, 2021. In her response, Respondent denies talking to the Complainant's spouse without the Complainant being present, among other things.

3. The Board referred the matter for investigation on January 28, 2022. During the investigation, the investigator reported the Respondent told her that the minor client told her the Complainant took her to a club where he was working and she felt unsafe and smelled marijuana at the club.

4. On June 12, 2022, the Investigator completed the investigation; however, the report was not received until March of 2023 due to a lapse in the investigator's contract.

5. After reviewing the investigation report, the Board has determined that disciplinary action under the following statutes and regulations is appropriate: KRS 335.540(1)(g) and (h); 201 KAR 36:040 Section 1(1)(a)-(c) and (2)(b); 201 KAR 36:040 Section 2(15) and (19); and 201 KAR 36:040 Section 4(1), (2), (3), (4)(d), and (7)(a). Respondent agrees the Board has the authority to take disciplinary action against her for the above-described violations.

6. Instead of pursuing a formal disciplinary hearing, the parties have mutually decided to resolve this matter with an informal settlement as authorized by 201 KAR 36:050. Section 4. by means of this Agreed Order.

The Board and Respondent now therefore agree to this Agreed Order, which resolves Complaint No. 2021-LPC-00023 on the following terms and conditions:

7. Respondent shall execute and return a copy of this Agreed Order to the Board within thirty (30) days of receipt of the Agreed Order or it shall be null and void, and the Board may institute further disciplinary action.

8. The Board offers the following disciplinary sanctions, which are hereby agreed to by the Respondent, as follows:

- a. The Respondent shall complete 3 hours of continuing education on HIPAA for the allegations relating to disclosure of protected health information of a minor client to a nonparent where no waiver existed, with proof of completion to be filed with the board within 6 months of entry of this Agreed Order.
- b. The Respondent shall complete 3 hours of continuing education on duty to warn/report the allegations made by the minor clients about being taken to a club where the client felt unsafe and reported smelling marijuana, with proof of

completion to be filed with the board within 6 months of entry of this Agreed Order.

c. All costs for continuing education are to be paid by the Respondent.

9. Respondent agrees to commit no violations of statutes and regulations governing Respondent's license to practice as a Licensed Professional Counselor Associate.

10. Respondent understands that by signing this Agreed Order she has waived her hearing rights, which specifically include any right to a hearing, including the right to be present with counsel, to subpoena witnesses and to confront those against her, and the right to appeal the Board's decision as entered in this Agreed Order and the full panoply of rights of hearing and appeal related to her mandatory certificate and as authorized by statute, regulation, and court decision.

11. Respondent acknowledges that this Agreed Order, after her execution of same, shall be presented to the Board with a recommendation for approval from the Board's Counsel at the next regularly scheduled meeting of the Board following receipt of the executed agreement. The Agreed Order shall not become effective until it has been approved by the Board and endorsed by the Chair of the Board. Respondent understands the Board is under no obligation to accept or reject this Agreed Order, and hereby waives any right she may have had to challenge, based upon the presentation of this Agreed Order to the Board, the impartiality of the Board to hear an administrative action if this Agreed Order is rejected. If this Agreed Order is rejected by the Board, it shall be regarded as null and void, and of no effect. No statement or term contained in this Agreed Order will be regarded as evidence in any subsequent disciplinary hearing, nor shall any inference be taken from Respondent's willingness to enter into this Agreed Order.

12. Upon approval of this Agreed Order by the Board, the Board shall dismiss Complaint No. 2021-LPC-00023. Any violation by Respondent of the terms of this agreement

shall be grounds for further action by the Board, including but not limited to the reopening of this complaint.

13. Respondent recognizes that if this matter was to proceed to an Administrative Hearing, there may exist sufficient evidence to sustain a disciplinary action against her. Respondent nevertheless desires to settle this matter in an expeditious manner without resorting to an administrative hearing.

14. Respondent acknowledges that at all times she has had the opportunity to obtain legal counsel of her choosing.

15. 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, 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.

16. All parties and their undersigned representatives warrant and represent that they have the requisite power and authority to enter into this Agreed Order and to effectuate the purposes herein, and that this Agreed Order shall be legally binding and enforceable against each party in accordance with terms of the Agreed Order.

17. This Agreed Order shall be governed in all respects by the laws of the Commonwealth of Kentucky. Any disputes arising under this Agreed Order shall be resolved in the Circuit Court of Franklin County, Kentucky; the parties' consent and agree to the *in personam* jurisdiction of such Court.

18. This Agreed Order may not be modified except by a written agreement executed by all parties.

HAVE SEEN AND AGREED:

Felicia Ann Jones
Felicia Ann Jones, LPCA
License No. 247529
Respondent

June 10, 2023
Date

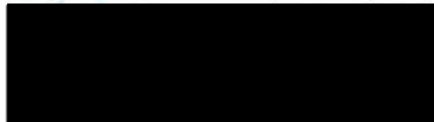
Dr. Hannah M. Coyt
Chair
Kentucky Board of Licensed
Professional Counselors

8-18-23
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Agreed Order was mailed this 4th 8th FJ day of Aug 2023 by electronic mail, and by regular first-class mail and to:

Felicia Ann Jones, M.Ed., LPCA



Respondent

And via electronic mail to:

Sara Boswell Janes, Staff Attorney III



Board Counsel

St. Raymond 8/29/23
Board Administrator