

STATE OF NORTH CAROLINA
WAKE COUNTY

COMPLAINTS 2020-06,07
2021-02

IN A MATTER
BEFORE THE NORTH CAROLINA
MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

IN RE:)
)
RACHEL HINSON)

FINAL DECISION

On March 25, 2022, the North Carolina Marriage and Family Therapy Licensure Board (“Board”) issued a Notice of Hearing to determine whether Rachel Hinson (“Respondent”) had violated ethics standards and/or North Carolina General Statute § 90-270(a)(4).

A hearing was conducted at Embassy Suites, 4700 Creedmoor Road, Raleigh, North Carolina. The hearing was conducted before Board members Heather Stehberger, Jon Winek, Connie Harris, Stacey Kolomer, and Kelly McKinnon. Sandra Vander Linde served as the presiding officer for the hearing. Ruby Bullard appeared at the hearing as counsel for the Board. Respondent appeared for the hearing and was not represented by counsel. The Board was advised during the hearing by Grant Simpkins.

At the hearing, evidence in the form of oral testimony from Wanda Nicholson, Paola Learoyd, and Rachel Hinson, and exhibits were presented. The exhibits presented and admitted into evidence were the following:

Exhibits of NC Marriage and Family Therapy Licensure Board

Board Exhibit 1: Complaint Form filed by Angela Cano-Johnson, Case Number 2020-07
Board Exhibit 5: Rachel Hinson MRN JT1673, Treatment Notes
Board Exhibit 6: Invoices from Rachel Hinson, Cano Family Services, PLLC
Board Exhibit 7: Rachel Hinson Treatment Notes A. R.
Board Exhibit 8: Rachel Hinson Invoices, A. R.
Board Exhibit 9: Email from Angela Cano-Johnson

Board Exhibit 10: Email exchange from Angela Cano-Johnson and Cheryl Powers
Board Exhibit 12: Complaint form filed by D.M. Thompson, Case Number 2020-06
Board Exhibit 13: Email exchange from Rachel Hinson and North Carolina Marriage and Family Therapy Licensure Board Staff
Board Exhibit 14: Rachel Hinson Response to Case Numbers 2020-06 and 2020-07
Board Exhibit 15: Letter from Angela Cano-Johnson to Rachel Hinson
Board Exhibit 16: Letter from North Carolina Marriage and Family Therapy Licensure Board to Rachel Hinson, March 30, 2021
Board Exhibit 17: Rachel Hinson Response to North Carolina Marriage and Family Therapy Licensure Board, April 28, 2021
Board Exhibit 18: Email from Angela Cano-Johnson to North Carolina Marriage and Family Therapy Licensure Board
Board Exhibit 19: Complaint Form filed by North Carolina Marriage and Family Therapy Licensure Board, Case Number 2021-02
Board Exhibit 20: Rachel Hinson Response to Charge Letters
Board Exhibit 21: Letter from North Carolina Marriage and Family Therapy Licensure Board to Rachel Hinson, September 28, 2021
Board Exhibit 22: Charlotte-Mecklenburg School records, J. T.
Board Exhibit 23: Charlotte-Mecklenburg School records, J. A.
Board Exhibit 24: Charlotte-Mecklenburg School records, A. R.
Board Exhibit 25: Rachel Hinson Discovery Response, June 10, 2022
Board Exhibit 26: Deposition Transcript of Angela Cano-Johnson

Jurisdiction

The Board is an occupational licensing board of the State of North Carolina, organized under the provisions of Article 18C, Chapter 90, of the North Carolina General Statutes, and has jurisdiction over this matter pursuant to the provisions of N.C. Gen. Stat. § 90-270.60, N.C. Gen. Stat. § 150B, and the Board's duly enacted rules, 21 N.C. Admin. Code Chapter 31 .0100 *et seq.*

Based upon the record in this proceeding, and the testimony and exhibits presented at the hearing, the Board makes the following:

Findings of Fact

1. At all times relevant to this matter, Respondent was a North Carolina licensed marriage and family therapist ("LMFT"), practicing in the State of North Carolina. Respondent currently holds license number 1962 issued by the Board.

2. During the time period including October 2018 through June 2020, Respondent worked

as a contracted therapist with Cano Family Services, PLLC, providing therapy services to minors as a school-based clinician.

3. On June 20, 2020, D.M. Thompson filed a complaint with the Board against Respondent. In Complaint Number 2020-06, D.M. Thompson complained that Respondent billed third-party payors for multiple therapy services through Cano Family Services, PLLC, that Respondent did not actually provide to her daughter (“J. T.”) between the end of November 2019, and June 2020. ***Board Exhibit 12.***

4. On June 22, 2020, Angela Cano-Johnson of Cano Family Services, PLLC, filed a complaint with the Board against Respondent in Complaint Number 2020-07. Ms. Cano-Johnson complained that Respondent billed third-party payors for over twenty (20) therapy sessions for Ms. Thompson’s daughter between the end of November 2019 and June 2020 that Respondent did not provide. ***Board Exhibit 1.***

5. In the course of the investigation of the two complaints, the Ethics Committee of the Board discovered evidence that Respondent had previously billed for therapy sessions that did not occur with another minor student (“A. R.”). On August 31, 2021, the Ethics Committee filed a Board initiated complaint, Complaint Number 2021-02, alleging ethical violations arising from October 2018 billing. ***Board Exhibit 19.***

6. Respondent provided written responses to the complaints, stating that the billing inaccuracies were inadvertent errors and not purposely done. ***Board Exhibit 14, Board Exhibit 17.***

7. On March 30, 2021, the Board provided Respondent a Statements of Charges regarding complaints 2020-06 and 07. ***Board Exhibit 16.***

8. On September 28, 2021, the Board provided Respondent a Statement of Charges

regarding Complaint 2021-02. ***Board Exhibit 20.***

9. Both Statements of Charges alleged violations of sections 3.5, 3.2, and 8.4 of the American Association for Marriage and Family Therapy Code of Ethics, along with violations of N.C. Gen. Stat. § 90-270.60(a)(4).

10. While Respondent was employed with Cano Family Services, PLLC, Cardinal Innovations Healthcare, a managed care organization, processed payment from third-party payors, including Medicaid.

11. Respondent was required to reimburse Cano Family Services, PLLC, the amounts paid to Respondent for services that Respondent did not actually provide.

12. During the hearing, Respondent admitted that errors existed in the invoices and billing records that she prepared, as set forth in the three above-referenced complaints found in Board Exhibits 5, 6, 7, and 8. Respondent also admitted that errors existed in treatment records.

13. The Board does not find credible Respondent's allegation that her billing errors were inadvertent and not purposely done. The Board specifically considers the extended period of time through which Respondent billed for services that she did not actually provide.

Based on the foregoing Findings of Fact, the Board makes the following:

Conclusions of Law

1. To the extent that Findings of Fact contain conclusions of law, or that the Conclusions of Law are findings of fact, they should be so considered without regard to their given labels.
2. The Board has jurisdiction over the subject matter of this contested case and over the Respondent.
3. The Board concludes as a matter of law, based upon the above findings and in reliance on

its own expertise, that Respondent billed for services not provided.

4. The Board concludes that Respondent violated N.C. Gen. Stat. § 90-270.60(a)(4).
5. The Board concludes that Respondent has violated Standard 3.5 of the *American Association for Marriage and Family Therapy Code of Ethics* by failing to maintain accurate and adequate clinical and financial records.
6. The Board concludes that Respondent has violated Standard 8.4 of the *American Association for Marriage and Family Therapy Code of Ethics* by failing to represent facts truthfully to third-party payors.
7. The Board concludes that Respondent has violated N.C. Gen. Stat. § 90-270.60(a)(9) for unethical conduct as defined by the *Association for Marriage and Family Therapy Code of Ethics*.

NOW, THEREFORE, THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY
LICENSURE BOARD HEREBY ORDERS:

- I. The license of Respondent Rachel Hinson is hereby REVOKED.
- II. Respondent shall immediately cease to engage in the practice of marriage and family therapy.
- III. In the event that Respondent has not terminated treatment with clients, she shall immediately do so upon receipt of this Order and ensure the continuity of care for those clients.
- IV. Respondent shall turn in her license to practice marriage and therapy in North Carolina to the Board no later than fourteen (14) days after receipt of this Order.
- V. In the event of reapplication for licensure, Respondent shall be eligible for licensure only as a licensed marriage and family therapist associate. In the event that Respondent is

eligible for licensure as a licensed marriage and family therapist associate in the future,
Respondent may only practice under the supervision of a Board approved supervisor.

- VI. Prior to reapplication for licensure, Respondent shall obtain three (3) hours of continuing education on ethics, three (3) hours of continuing education on documentation, and nine (9) hours of continuing education on diversity and inclusion.
- VII. The Board shall maintain this Final Decision as a public record.

This the 30 day of June, 2022.

BY:

A handwritten signature in black ink, appearing to read 'Sandra Vander Linde', written over a horizontal line.

Sandra Vander Linde, LMFT, Board Chair

Appeal

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the Superior Court of the county in which the party resides. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.


CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **FINAL DECISION** was served this day upon Respondent and upon Board counsel by placing a copy thereof in a depository under the care and custody of the United States Postal Service, certified mail, return receipt requested, postage prepaid, and properly addressed as follows:

Rachel Hinson
109 South Enochville Avenue
Kannapolis, NC 28081

Ruby Bullard
PO Box 1662
Fayetteville, NC 28302

This the 30 day of June, 2022.



Paola Learoyd, Executive Director
North Carolina Marriage and Family Therapy Licensure Board