

STATE OF TENNESSEE
DEPARTMENT OF HEALTH
BEFORE THE BOARD FOR PROFESSIONAL COUNSELORS,
MARITAL AND FAMILY THERAPISTS, AND CLINICAL PASTORAL THERAPISTS

In The Matter of:)	
)	
Carolynn Kolesnikoff,)	Case No.: 2020026781
L.P.C./M.H.S.P. License No.: 3809,)	
)	
Respondent.)	

CONSENT ORDER

The State of Tennessee (“State”), by and through the Office of General Counsel, and the Respondent, Carolynn Kolesnikoff, L.P.C./M.H.S.P., (“Respondent”), hereby stipulate and agree, subject to approval by the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists (“Board”) to the following:

I. Authority and Jurisdiction

The Board is responsible for the regulation and supervision of the practice of professional counseling and therapy in the State of Tennessee as contained in Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-22-101, *et seq.* It is the duty and the responsibility of the Board to enforce the Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists Practice Act (“Practice Act”), TENN. CODE ANN. § 63-22-101, *et seq.*, and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 0450-01-.01, *et seq.* in such a manner as to insure that professional counselors and therapists use their licenses to promote and protect the public health, safety and welfare. It is the policy of the Board to require strict compliance with the laws of this

State and to apply the laws so as to preserve the quality of professional counseling and therapy provided in Tennessee.

II. Stipulations of Fact

1. At all times material hereto, Respondent was a professional counselor in the state of Tennessee, having been granted license number 3809 to practice as a professional counselor (“L.P.C./M.H.S.P.”) designation in Tennessee on November 29, 2016, which currently has an expiration date of July 31, 2021.
2. At all-time pertinent hereto, Respondent was employed as a private contracted mental health service provider for the Tennessee Department of Corrections assigned to DeBerry Special Needs Facility.
3. Respondent provided mental health services to Inmate M.L., from in or about June 2019 until in or about October of 2019.
4. On November 25, 2019, Respondent was observed on video entering a storage room followed by M.L. The window to the storage room was covered with a trash bag. Upon leaving the storage room, Inmate M.L. was stopped and searched by facility security and was found to be in possession of contraband.
5. M.L. was interviewed by facility security and admitted to an ongoing sexual relationship with the Respondent. Respondent later confirmed the sexual relationship.
6. Respondent also admitted to providing M.L. with contraband.
7. Respondent has been indicted on one (1) count of Sexual Relations with a Prisoner or Inmate, a Class E Felony, and two (2) counts of Introducing Contraband into a Penal Facility. Class E Felonies.

III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Tennessee Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists Practice Act, TENN. CODE ANN. §63-22-101, *et seq.* for which disciplinary action by the Board is authorized.

8. The facts stipulated in paragraphs two (2) through seven (7) constitute violations of TENN. CODE ANN. § 63-22-110(b):

- (3) Violating the rules and regulations adopted by the board; and
- (4) Engaging in professional misconduct, unethical or unprofessional conduct, including, but not limited to, willful acts, negligence and conduct likely to deceive, defraud or harm the public or engaged in such conduct.

9. The facts stipulated in paragraphs two (2) through seven (7) constitute violations of TENN. COMP. R. & REGS. 0450-01-.13:

0450-01-.13 PROFESSIONAL ETHICS. All licensees and certificate holders shall comply with the current code of ethics adopted by the American Counseling Association, except to the extent that it conflicts with the laws of the state of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.

- (1) The certified professional counselor and licensed professional counselor and anyone under his supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards promulgated by the Board under its current statutes and rules and regulations.
- (2) Each applicant and certificate holder or licensee is responsible for being familiar with and following this code of ethics.

10. The facts stipulated in paragraphs two (2) through seven (7) violate the 2014 American Counseling Association Code of Ethics principles:

A.5. Prohibited Non-counseling Roles and Relationships

(a) Sexual and/or Romantic Relationships Prohibited: Sexual and/or romantic counselor– client interactions or relationships with current clients, their romantic partners, or their family members are prohibited. This prohibition applies to both in-person and electronic interactions or relationships.

A.6. Managing and Maintaining Boundaries and Professional Relationships

(b) Extending Counseling Boundaries: Counselors consider the risks and benefits of extending current counseling relationships beyond conventional parameters. Examples include attending a client’s formal ceremony (e.g., a wedding/commitment ceremony or graduation), purchasing a service or product provided by a client (excepting unrestricted bartering), and visiting a client’s ill family member in the hospital. In extending these boundaries, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no harm occurs.

(c) Documenting Boundary Extensions: If counselors extend boundaries as described in A.6.a. and A.6.b., they must officially document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the client or former client and other individuals significantly involved with the client or former client. When unintentional harm occurs to the client or former client, or to an individual significantly involved with the client or former client, the counselor must show evidence of an attempt to remedy such harm.

(e) Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships): Counselors avoid entering into nonprofessional relationships with former clients, their romantic partners, or their family members when the interaction is potentially harmful to the client. This applies to both in-person and electronic interactions or relationships.

C.1. Knowledge of and Compliance With Standards: Counselors have a responsibility to read, understand, and follow the ACA Code of Ethics and adhere to applicable laws and regulations.

IV. Stipulated Disposition

11. For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to **VOLUNTARILY SURRENDER** her license to practice professional counseling in the state of Tennessee. Respondent understands that a voluntary surrender has the same effect as a revocation.

12. Respondent is assessed one (1) Type A Civil Penalty in the amount of **one thousand dollars (\$1,000.00)**, in accordance with TENN. COMP. R. & REGS. 0450-01-.15(4), and shall be paid in full within **twenty-four (24) months** from the effective date of this Order. The Type A civil penalty represents the Respondent's improper relationship with her patient.
13. Respondent must pay the actual and reasonable costs of investigation and enforcement in this matter. These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed **one thousand dollars (\$1,000.00)**, and shall be paid in full within **twenty-four (24) months** from the issuance of the Assessment of Costs. Such costs shall include, but not be limited to, the following:
 - (a) All costs absorbed by or assessed against the Board by the Department's Office of Investigations in connection with the prosecution of the matter including all investigator time, travel and lodging incurred during the prosecution;
 - (b) All costs absorbed by or assessed against the Board by the Division of Health Related Boards for the use of the division facilities and personnel for prosecution of the matter;
 - (c) All costs assessed against the Board for the appearance fees, transcripts, time, travel and lodging of administrative law judges and court reporters and witnesses required in the prosecution of the matter; and
 - (d) All costs attributed to and assessed against the Board by the Department's Office of General Counsel in connection with the prosecution of the matter, including all attorney and paralegal time, travel and lodging incurred during the prosecution of the matter.
14. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be

affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

IV. Representation of Respondent

15. Respondent understands and admits the allegations, charges, and stipulations in this Order.
16. Respondent understands the rights found in the Practice Act and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing on the Notice of Charges to contest the charges and allegations, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.
17. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.
18. Respondent agrees that she has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as detailed herein.


19. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.
20. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

V. Notice


21. The discipline in this Order is formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).
22. A **violation** of this Order shall constitute a **separate violation**, and is grounds for further disciplinary action by the Board, including revocation of Respondent's license.
23. Civil penalties and costs shall be paid by submitting a **certified check, cashier's check, or money order** payable to the State of Tennessee. Proof of compliance with all disciplinary terms, including Civil penalties and/or Costs payments, must include the Respondent's name and the case number, 202002678, on the instrument of payment and shall be mailed or delivered to:

**Office of Investigations
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

APPROVED FOR ENTRY:


Carolynn Kolesnikoff, L.P.C./M.H.S.P.
License No. 3809
Respondent

8-12-2021
DATE

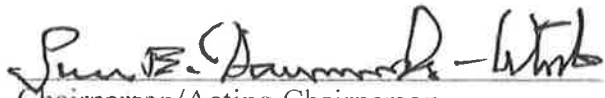

Nathaniel R. Flinchbaugh (BPR #034233)
Senior Associate General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Dr., Second Floor
Nashville, Tennessee 37243
(615) 741-1611

9/3/2021
DATE

APPROVAL BY THE BOARD

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists at a public meeting of the Board and signed this 3rd day of September, 2021.


ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.


Chairperson/Acting Chairperson
Tennessee Board for Professional Counselors,
Marital and Family Therapists, and Clinical Pastoral
Therapists

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served upon the Respondent, Carolynn Kolesnikoff, 401 Kayle Court, Mount Juliet, Tennessee 37122, by certified mail, number **7020 3160 0001 1682 0771**, and by placing same in the United States mail, first class, with sufficient postage thereon to reach its destination.

This 3rd day of September, 2021.


Nathaniel R. Flinchbaugh
Senior Associate General Counsel

