

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
PSYCHOLOGY BOARD

IN THE MATTER OF:  
ROBERT DRINKWATER, Ph.D.,

Respondent.

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**CONSENT ORDER**

This cause, coming on to be heard and being heard before the North Carolina Psychology Board (hereinafter “the Board”), at its meeting on May 10, 2024, pursuant to a Statement of Charges issued by the Board on February 23, 2024, which is now pending; and

IT APPEARING to the Board that the Respondent has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Respondent and the Board that:

1. Respondent was at all times relevant to this cause a licensed psychologist and is subject to the Board’s jurisdiction pursuant to the Psychology Practice Act, Chapter 90, Article 18G of the North Carolina General Statutes.

2. Respondent began providing individual psychological services to Client X in September 2020, initially focusing on work stress and later shifting to focus on issues with parenting and her relationship with her husband. The psychological services were initially provided via video, with services eventually moving exclusively to telephonic services later in the therapeutic relationship. In a psychology session on May 19, 2023, when Client X discussed her concerns about her husband indicating that she was not meeting his intimacy needs, Respondent made comments which were not professional, and were insensitive to Client X’s therapeutic needs. When discussing the issue of male priorities in relationships, Respondent provided an inappropriate and unprofessional response, which included inappropriate comments about male sexual behavior. Respondent’s statements to Client X resulted in her feeling violated by Respondent. Respondent tried, but failed to repair the therapeutic relationship. Respondent’s inappropriate and unprofessional comments led to a premature termination of psychological services to Client X.

3. The specific content of each session with Client X could not be discerned as each of Respondent’s clinical notes for sessions with Client X was virtually identical. The only notes from Respondent’s psychological sessions which differed were the notes for the last two sessions with Client X on May 19, 2023, and June 2, 2023, each of which had thorough session summaries. There was also no way to determine which sessions occurred via video or telephone throughout the therapeutic relationship.

4. The conduct described in Paragraphs 2 and 3 above constitutes violations of N.C. Gen. Stat. §§ 90-270.148(a)(10), (a)(11), (a)(15), & (a)(17) of the North Carolina Psychology Practice Act, and constitutes violations of Standards 2.01(b), 3.04(a), & 6.01 of the Ethical Principles of Psychologists and Code of Conduct (*American Psychological Association, 2017*).

5. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter and, in lieu of any proceedings, enter into this Consent Order.

6. Respondent expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board to which the Respondent may be entitled by law. Respondent further agrees that presentation of this Consent Order to the Consent Committee of the Board for approval and presentation of Consent Order to the full Board shall not constitute improper ex parte communication between the Board and its counsel, or the Board and its staff, nor require the recusal of any members of the Board from consideration of this matter before the full Board, should a hearing be required in this case.

7. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and the signature of its Chairperson.

8. Respondent forever releases the State of North Carolina, the North Carolina Psychology Board, and all its members, officials, agents, representatives and employees, both past and present, in their individual or official capacities from any and all liability, suits, claims, and causes of action, arising prior to or as a result of the execution of this Consent Order.

This Consent Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Consent Order.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

I. This Consent Order shall constitute a condition on Respondent's license to practice psychology.

II. Respondent shall successfully complete a minimum of eight to ten hours of tutorials. The number of sessions and hours shall be determined by the psychologist conducting the sessions, provided that the tutorials shall be conducted in no fewer than three sessions and consist of a total of no fewer than eight hours. The tutorials shall be conducted face-to-face or via live synchronous video conference with a psychologist designated by the Board regarding the following: documentation, appropriate language and conduct with clients, appropriate delivery of psychological services to sufficiently meet the needs of therapy and the client; how Respondent's conduct resulted in this action taken by the Board; Respondent's plan of action to prevent the

recurrence of the behavior which resulted in Board action; and general ethical conduct.

III. The Board shall be provided with a final report by the tutoring psychologist regarding Respondent's attendance, progress, and response to the tutorials set forth in Paragraph II. Respondent's progress and response must be satisfactory to the tutoring psychologist and the Board. If the tutoring psychologist or the Board does not find Respondent's progress and response to be satisfactory, then the tutoring shall continue until such time as Respondent's progress and response is satisfactory to the tutoring psychologist and the Board. All costs and associated expenses of the tutorials shall be borne by the Respondent. Respondent shall contact the assigned tutor within one month of notification from the Board as to the name of the tutor, and shall complete all tutorials no later than six months from the execution of this Consent Order, unless the Board is advised by the tutor that more time is needed to complete the tutorials, upon which the Board may, within its discretion, extend the time for completion. The tutorials shall not count for continuing education credit, as required under 21 NCAC 54 .2104.

IV. For a period of six months consisting of at least 750 hours of practice by Respondent in psychology, whichever takes longer to occur, Respondent shall receive face to face supervision with a psychologist licensed in North Carolina at a minimum of one one-hour session per week during any week in which Respondent practices psychology, regardless of the number of hours of practice. The focus of the supervision shall be on the areas to be addressed in the tutorials pursuant to Paragraph II. Within one month of the execution of this Consent Order, Respondent shall submit and have approved by the Board staff a completed supervision contract form prior to receiving such supervision.

V. The supervisor shall submit supervision reports to the Board on the Board's Supervision Report form after three months of supervision and then at the completion of six months of supervision, together with written narrative descriptions of Respondent's practice and response to supervision. The Board shall not credit any time period in which Respondent does not receive at least average ratings, and written narratives consistent with those ratings, as counting toward the required six months of supervision or 750 hours of practice in psychology, whichever takes longer to occur. Any costs and associated expenses of this supervision shall be borne by Respondent. The Board Chairperson may, in his/her discretion, grant written approval of Respondent's release from this supervision prior to a Board meeting, or he/she may decide that the full Board should review the matter at its next scheduled Board meeting or at a specially called meeting.

VI. Prior to any change in Respondent's supervisor at any point in time, Respondent shall submit and receive written Board approval of a completed supervision contract form. Board staff may, in its discretion, grant written approval prior to a Board meeting or, in consultation with the Board Chairperson, may decide that the full Board should review the matter at its next scheduled Board meeting. Any costs and associated expenses of this supervision shall be borne by the Respondent.

VII. Respondent shall not supervise any of the below enumerated individuals for any activity which meets the definition of the practice of psychology, as set forth in N.C. Gen. Stat. § 90-270.136 (8), while he is under the supervision set forth in this Consent Order:

provisionally licensed psychologists; licensed psychological associates; students in graduate psychology programs; post doc fellows; applicants with the Board; or any ancillary services personnel, as defined in 21 NCAC 54 .2801.

VIII. Following completion of the tutorials and supervision as set forth above, Respondent shall submit an essay to the Board explaining the impact of his conduct on his former client and what Respondent has learned from tutorials and supervision to prevent this from reoccurring in the future. The essay shall be approved by the Board, within its discretion, in order for Respondent to be released from this provision of the Consent Order.

IX. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, may result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.

X. The Board will maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. § 90-270.148(e).

XI. The Respondent is assessed three hundred dollars (\$300.00) in costs, pursuant to N.C. Gen. Stat. § 90-270.148 and 21 N.C.A.C. 54.1605, and shall remit this sum to the Board no later than 30 days after the Consent Order is signed by the Board Chairperson.

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This the 10 day of May, 2024.

CONSENTED TO BY:

NORTH CAROLINA  
PSYCHOLOGY BOARD

BY: Helen T. Brantley, Ph.D. 5/10/2024  
Helen T. Brantley, Ph.D. date  
Board Chairperson

Robert Drinkwater 05/03/24  
Robert Drinkwater, Ph.D. date  
Respondent

S.M. Shaber 05/02/24  
Steven M. Shaber date  
PoynerSpruill, LLP  
Attorney for Respondent