

509 Carolina Meadows Villa
Chapel Hill, NC 27517
May 31, 2018

LPC Board of Examiners
Attention: Disciplinary Affairs Committee
8631 Summa Avenue
Baton Rouge, LA 70809

REF: Complaint against Theodore P. Remley, Jr., JD, PhD, a licensee of the Louisiana Board of Licensed Professional Counselors

Gentlemen:

This is a complaint against Theodore P. Remley, Jr., a licensee of the Louisiana Board of Licensed Professional Counselors. This narrative will attempt to explain the concern about this licensee.

A licensee of the North Carolina Board of Licensed Professional Counselors (NCBLPC), identified here as Dr. X, had numerous complaints filed against him with the NCBLPC. These complaints were filed by numerous physicians and addressed alleged ethical violations of the American Counseling Association (ACA) Code of Ethics. Concerns included Dr. X explaining to physician patients the meaning of various medical laboratory tests (Dr. X is not a physician and has had no known medical training); telling physician patients that a medication legitimately prescribed for sleep apnea must be stopped because it interfered with testing for drugs and alcohol; denying due process to physician patients such that the patient could not understand the charges against him or her; refusing to provide a copy of the medical record to a physician patient so that the physician patient could defend himself against alleged charges; Dr. X alleging he was doing "peer review" of physicians when in fact counselors and social workers were allegedly doing "peer review" of physicians but such is impossible because counselors and social workers are not the peer of any physician; failure to follow the mandates of the federal Health Care Quality Improvement Act; release of federally protected 42 CFR Part 2 drug and alcohol records without proper signed release by the patient to release the record; notifying a hospital where a physician was employed that the physician was hospitalized for up to three months for treatment of his substance abuse disorder when in fact the patient was not hospitalized and went to the hospital the following day to go to work; diagnosing a physician patient as having alcohol abuse when the physician patient did not meet the required diagnostic criteria for that diagnosis as attested to by six substance abuse specialist physicians; telling prevarications (or lies) to physician patients much to the detriment of the physician patient; refusing to speak with a person whom a physician patient designated in writing as his health care power of attorney, in violation of federal HIPAA and 42 CFR Part 2 requirements, and many other complaints. Many additional complaints could be discussed in detail, but the above list would seem to illustrate that many physicians had significant complaints and not trivial complaints.

The NCBLPC allegedly hired a private investigator to thoroughly investigate the above and additional issues. The investigator did meet with me for one hour, and told me that my complaints were hearsay. I took strong exception to this as I was directly involved with all of the issues about which I complained. Surprisingly, the investigator did not talk with any of the other physicians who had filed complaints. Then the NCBLPC attorney issued a letter to all of the complainants stating that their complaints had been taken very seriously, had been thoroughly investigated, and that nothing was found. This is incredible as the investigator had not talked with the complainants and had not looked at

documentation that the complainants had in hand that would prove their assertions. One physician patient had a witness to his complaint but no one talked with the witness.

This material was reviewed by a neurosurgeon who had been Chairman of the Medical Ethics Committee at a prestigious medical school in the northeast and who was subsequently the Chair of the Medical Ethics Committee at the University of North Carolina Hospital in Chapel Hill. If I may quote him, he said "Good God. I don't know whether to laugh or cry". He saw many ethical violations in the material he reviewed. A PhD level nurse who designed and carried out research studies at Duke University Hospital saw multiple ethical violations in the material, and was incredulous that this material was not investigated.

The NCBLPC personnel refused to provide a statement of findings for any complaint; that is, NCBLPC personnel refused to state whether the facts as alleged in the complaints were not correct and valid, or whether the facts as alleged were correct but did not constitute ethical violations. It would appear that the NCBLPC could not give such a statement as NCBLPC had not established the factual validity of any of the complaints.

As the Governor of the State of North Carolina appoints the members of the NCBLPC, and as there is no state oversight of the NCBLPC by any known state agency, a letter was sent to Governor Roy Cooper of NC, requesting that the Governor appoint an independent, disinterested expert or experts to investigate the complaints filed against Dr. X and to investigate the functioning of the NCBLPC itself. This letter was signed by some twenty five people, including Harvard Medical School faculty; Duke Medical School faculty; a retired FBI agent; the retired head of Mental Health for the DHHS of North Carolina; a retired U.S. Navy Admiral; an M.D., J.D. person; a PhD nurse who designed and executed research studies at Duke University; and other such prestigious persons. It is important to note that these are not persons who signed a petition in the check-out line at the grocery store but are people with extensive knowledge of the situation.

In response to the request to the Governor for an outside investigation, the NCBLPC hired Theodore P. Remley to review the material and determine if the NCBLPC had acted properly. It was made known to the NCBLPC that Dr. Remley should talk with the persons who had filed complaints and review the supporting documents that those persons had in hand, in addition to speaking with witnesses. However, Dr. Remley did not talk with anyone who had filed a complaint, did not review any supporting documents, and did not speak with any witnesses. Instead, Dr. Remley allegedly confirmed that what the NCBLPC had done was satisfactory; I use the word "allegedly" because this is what the NCBLPC stated had transpired but the NCBLPC has refused to release the document or documents produced by Dr. Remley. Numerous requests have been filed with the NCBLPC by several persons under the Freedom of Information Act and the NC Public Records law for various documents; at least three months have passed with no response by the NCBLPC to the requests for documents.

I sent Dr. Remley a letter asking him specific questions about his behavior and the findings of his alleged review. Specifically, I asked how he could possibly find that the actions of the NCBLPC were proper when it was alleged that Dr. X was diagnosing physicians with illness for which they did not meet the required diagnostic criteria. As noted, Dr. Remley did not speak with any of the physicians who had filed these complaints. I raised many further questions with Dr. Remley as will be noted in the enclosed copy of the letter I sent to Dr. Remley. Dr. Remley has not responded to my letter and my concerns.

It is important to realize that the NCBLPC did not conceal the name of Dr. X, as should be done in any investigation. Instead, Dr. Remley knew exactly who the individual in question was. Further, several of my colleagues have done internet searches and have found that Dr. Remley and Dr. X both contributed chapters to the same book and that both served at the same time on the editorial board of a journal. Further, Dr. Remley was allegedly the former Executive Director of the American Counseling Association, and Dr. X was a member of that group. Several colleagues have suggested that Dr. Remley and Dr. X had a relationship that should have disqualified Dr. Remley from accepting the assignment from the NCBLPC, as there is the appearance of a conflict of interest.

My complaint specifically is that it is my opinion, and the opinion of colleagues, that Dr. Remley's behavior was unethical and in violation of the ethical code of the American Counseling Association and other ethical codes. The facts are: (1) the NCBLPC refused to speak with the physicians who filed complaints; (2) refused to review documents held by the complainants that would have supported their complaints; (3) refused to interview or speak with witnesses who could validate the complaints; (4) the NCBLPC refused to meet with persons who specifically requested to meet with the Chairman of the NCBLPC Board, the Head of the Ethics Committee, or the entire NCBLPC Board to express concerns; (5) the NCBLPC issued letters stating that the complaints were "thoroughly investigated" when it appears to a large number of persons that the complaints were not properly investigated. Even with all of these issues Dr. Remley allegedly found that the NCBLPC acted appropriately. This defies all logic to my thinking and to the thinking of my colleagues. I believe this to represent unethical behavior.

Please know that there are many other issues and complaints involved and I have only listed a partial list of concerns. I will be pleased to speak with any investigator for the Louisiana Board of Licensed Professional Counselors and a large number of colleagues of mine will make themselves available to any investigator. I will furnish any documents in my possession that the Louisiana Board of Licensed Professional Counselors might want. I can be reached at 919-370-9420, at jcavenarjr@nc.rr.com, or at the above mailing address.

Thank you for your interest in this matter.

Sincerely,

Jesse O. Cavenar, Jr., M.D.
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