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ORIGINAL of the foregoing filed
This 21 day of January, 2015, with:

Arizona Board of Behavioral Health Examiners
3443 North Central Avenue, Suite 1700
Phoenix, Arizona 85012

COPY of the foregoing certified mailed:
This 21 day of January, 2015,
Certified mail no. 7014 1200 0000 6633 2098, to:

John Lynch
Address of Record
Respondent

COPY of the foregoing mailed:
This 21 day of January, 2015,

1 4. Respondent acknowledges and agrees that upon signing this Consent
2 Agreement and returning it to the Board's Executive Director, Respondent may not revoke his
3 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
4 original document is ineffective and void unless mutually approved by the parties in writing.

5 5. The findings contained in the Findings of Fact portion of this Consent Agreement
6 are conclusive evidence of the facts stated herein and may be used for purposes of determining
7 sanctions in any future disciplinary matter.

8 6. This Consent Agreement is subject to the Board's approval, and will be effective
9 only when the Board accepts it. In the event the Board in its discretion does not approve this
10 Consent Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value,
11 nor shall it be relied upon or introduced in any disciplinary action by any party hereto, except
12 that Respondent agrees that should the Board reject this Consent Agreement and this case
13 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its
14 review and discussion of this document or of any records relating thereto.

15 7. Respondent understands that once the Board approves and signs this Consent
16 Agreement, it is a public record that may be publicly disseminated as a formal action of the
17 Board, and that it shall be reported as required by law to the National Practitioner Data Bank
18 and the Healthcare Integrity and Protection Data Bank.

19 8. Respondent further understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(n) and may result in
21 disciplinary action pursuant to A.R.S. § 32-3281.

22 9. The Board therefore retains jurisdiction over Respondent and may initiate
23 disciplinary action against Respondent if it determines that he has failed to comply with the
24 terms of this Consent Agreement or of the practice act.

25 ...

1 The Board issues the following Findings of Fact, Conclusions of Law and Order:

2 **FINDINGS OF FACT**

3 1. Respondent is the holder of License No. LMSW-13555 for the practice of social
4 work in Arizona.

5 2. From approximately 2009 through 2011, Respondent worked in the Maricopa
6 County jails as a religious volunteer.

7 3. In 06/11, Respondent accepted employment with Agency to provide
8 psychoeducational services to clients participating in the ALPHA program while in a Maricopa
9 County jail.

10 4. Respondent acknowledges the following:

11 a. In the fall of 2011, some of his former ALPHA program clients contacted him
12 through Facebook.

13 b. Respondent did not seek any type of supervision before he added those
14 clients as "friends" on his personal Facebook page.

15 c. After approximately 1 month, Respondent created a confidential group on
16 Facebook, removed the clients from his personal Facebook page, and placed
17 them in the group.

18 d. Respondent did not seek any type of supervision regarding the creation of the
19 Facebook group for ALPHA program graduates.

20 e. In 03/12, Respondent invited the former clients participating in the Facebook
21 group to his house for a "freedom party."

22 f. Respondent did not seek any type of supervision prior to inviting former
23 clients to his house.

24 g. In 05/12, Respondent added a co-worker ("Co-Worker") as an administrator
25 of the Facebook page without first discussing the issue with her.

1 h. Respondent did not seek any type of supervision prior to adding Co-Worker
2 as an administrator to the group.

3 5. In his 06/12 response to the complaint, Respondent indicated the following
4 regarding his interactions with former clients in the Facebook group he created:

5 a. "I interacted with clients in the forum as a former instructor to provide
6 encouragement and ideas for community resources relating to education,
7 employment, twelve-step groups, etc."

8 b. "I did inquire about interest in the idea of a follow-up celebration gathering
9 with the idea of bolstering support and encouragement for former clients
10 working to maintain sobriety after incarceration."

11 6. Respondent's representations indicating his interactions with former clients was
12 purely professional is contradicted by the language he used with them, which included the
13 following:

14 a. "Alpha grad Freedom Party at my place? Is that doable for you guys? I'm at
15 13th Ave and VanBuren. Lemme [sic] know!"

16 b. "Saweeet! [sic] Lemme [sic] check my wife's availability and we could totally do
17 a big dinner deal or something like that at my place."

18 c. "I feel it too sister. I wouldn't want to be back in that context together, but I
19 miss you guys! Seeing you push forward in your lives and processes makes
20 me smile from a distance though. Praying for you!"

21 d. "Praying for you guys! I'd love to hear some of the small victories you're all
22 experiencing these days!"

23 7. As a licensed social worker, Respondent was prohibited from engaging in dual or
24 multiple relationships with Agency's clients or former clients where there was a risk of
25 exploitation or potential harm to the client.

1 8. In addition, Agency's policies prohibited employees from continuing in any type of
2 professional or personal relationship with Agency clients once the employee or client left
3 Agency without the specific approval of the Executive Director.

4 9. Despite these clear prohibitions, Respondent engaged in a pattern of
5 inappropriate communications with former clients that included the following:

- 6 a. Accepting former clients as friends on Facebook.
- 7 b. Communicating with former clients in the Facebook group using highly
8 personal non-professional language.
- 9 c. Telling former clients he was "praying" for them.
- 10 d. Inviting former clients to a celebratory party at his home.

11 10. Respondent's conduct was particularly problematic where he chose to engage in
12 a series of non-professional activities with highly vulnerable former clients without making any
13 attempt to seek any type of supervision regarding the potential boundary problems/client harm
14 that could result from such conduct.

15 11. On the group page, Respondent disclosed information about former Agency
16 clients, including the following:

- 17 a. "Alpha 109, 110, & 111...Welcome! 112 is on their way in a few weeks!"
- 18 b. "When Alpha grads tracked me down on FB, I created this group so you can
19 love and support each other in your continued recovery."

20 12. Respondent did not seek or obtain any type of permission from former clients
21 before adding them to the Facebook group.

22 13. By participating in the Facebook group, former Agency clients were identified as
23 former participants in the ALPHA program, a program for women in jail with substance abuse
24 issues.

25 ...

1 whether professional, social, or business. Dual or multiple relationships can
2 occur simultaneously or consecutively.)”

3 3. The conduct and circumstances described in the Findings of Fact constitute a
4 violation of A.R.S. § 32-3251(12)(t), disclosing a professional confidence or privileged
5 communication except as may otherwise be required by law or permitted by a valid written
6 release.

7 4. The conduct and circumstances described in the Findings of Fact constitute a
8 violation of A.R.S. § 32-3251(12)(p), failing to conform to minimum practice standards, as
9 developed by the board, as it relates to:

10 A.A.C. R4-6-1103(B)(10)

11 A licensee shall ensure that a client record contains documentation of behavioral
12 health services provided to the client.

13 5. The conduct and circumstances described in the Findings of Fact constitute a
14 violation of A.R.S. § 32-3251(12)(l), any conduct, practice or condition that impairs the ability of
15 the licensee to safely and competently practice the licensee's profession.

16 ORDER

17 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
18 the provisions and penalties imposed as follows:

19 Stayed Suspension

20 1. As of the effective date of this Consent Agreement, Respondent's license,
21 LMSW-13555, shall be **SUSPENDED** for 24 months. However, the suspension shall be stayed
22 and Respondent's license shall be placed on probation.

23 2. During the stayed suspension portion of the Order, if Respondent is
24 noncompliant with the terms of the Order in any way, the stay of the suspension shall be lifted
25 and Respondent's license shall be automatically suspended as set forth above.

1 **Continuing Education**

2 9. In addition to the continuing education requirements of A.R.S. § 32-3273, within
3 12 months of the effective date of this Consent Agreement, Respondent shall take and pass a
4 three semester credit hour graduate level behavioral health ethics course in person from an
5 accredited college or university, pre-approved by the Social Work Credentialing Committee
6 Chair or designee. Upon completion, Respondent shall submit to the Board an official transcript
7 establishing completion of the required course.

8 **Clinical Supervision**

9 10. While on probation, Respondent shall submit to clinical supervision for 24 months
10 by a masters or higher level behavioral health professional licensed at the independent level.
11 Within 30 days of the date of this Consent Agreement, Respondent shall submit the name of a
12 clinical supervisor for pre-approval by the Social Work Committee Chair or designee. Also within
13 30 days of the date of this Consent Agreement, the clinical supervisor shall submit a letter
14 disclosing his/her prior relationship to Respondent. In that letter, the supervisor must address
15 why he/she should be approved, acknowledge that he/she has reviewed the Consent
16 Agreement and include the results of an initial assessment and a supervision plan regarding the
17 proposed supervision of Respondent. The letter from the supervisor shall be submitted to the
18 Board.

19 **Focus and Frequency of Clinical Supervision**

20 11. The focus of the supervision shall relate to boundaries, confidentiality and the
21 use of clinical supervision. Respondent shall meet individually in person with the supervisor for
22 a minimum of one hour at least weekly if working fulltime or twice monthly if working less than
23 20 hours per week.

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1 **Reports**

2 12. Once approved, the supervisor shall submit quarterly reports for review and
3 approval by the Social Work Credentialing Committee Chair or designee. The quarterly reports
4 shall include issues presented in this consent agreement that need to be reported and the
5 supervisor shall notify the Board if more frequent supervision is needed. Quarterly reports shall
6 include the following:

- 7 a. Dates of each clinical supervision session
8 b. A comprehensive description of issues discussed during supervision sessions

9 13. All quarterly supervision reports shall include a copy of clinical supervision
10 documentation maintained for that quarter. All clinical supervision documentation maintained by
11 the supervisor shall comply with requirements set forth in A.A.C. R4-6-212(F)(4).

12 14. After 24 months, the supervisor shall submit a final summary report for review
13 and approval by the Social Work Credentialing Committee Chair or designee. The final report
14 shall also contain a recommendation as to whether the Respondent should be released from
15 this Consent Agreement.

16 **Change of Clinical Supervisor During Probation**

17 15. If, during the period of Respondent's probation, the clinical supervisor determines
18 that he/she cannot continue as the clinical supervisor, he/she shall notify the Board within 10
19 days of the end of supervision and provide the Board with an interim final report. Respondent
20 shall advise the Social Work Committee chair or designee within 30 days of cessation of clinical
21 supervision by the approved clinical supervisor of the name of a new proposed clinical
22 supervisor. The proposed clinical supervisor shall provide the same documentation to the Board
23 as was required of the initial clinical supervisor.

24 **GENERAL PROVISIONS**

25 ...

1 21. Within 10 days of the effective date of this Order, if Respondent is working in a
2 position where Respondent provides any type of behavioral health related services or works in a
3 setting where any type of behavioral health, health care, or social services are provided,
4 Respondent shall provide the Social Work Credentialing Committee Chair or designee with a
5 signed statement from Respondent's employer(s) confirming Respondent provided the
6 employer(s) with a copy of this Consent Agreement. If Respondent does not provide the
7 employer's statement to the Board within 10 days of the effective date, the Board will provide
8 Respondent's employer(s) with a copy of the Consent Agreement.

9 22. If Respondent is not employed as of the effective date of this Order, within 10
10 days of accepting employment in a position where Respondent provides any type of behavioral
11 health related services or in a setting where any type of behavioral health, health care, or social
12 services are provided, Respondent shall provide the Social Work Credentialing Committee
13 Chair or designee with a written statement providing the contact information of her new
14 employer and a signed statement from Respondent's new employer confirming Respondent
15 provided the employer with a copy of this Consent Agreement. If Respondent does not provide
16 the employer's statement to the Board within 10 days, as required, Respondent's failure to
17 provide the required statement to the Board shall be deemed a violation of A.R.S. § 32-
18 3251(12)(n) and the Board will provide Respondent's employer(s) with a copy of the Consent
19 Agreement.

20 23. If, during the period of Respondent's probation, Respondent changes
21 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on
22 extended leave of absence for whatever reason that may impact his ability to timely comply with
23 the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform the
24 Board of his change of employment status. After the change and within 10 days of accepting
25 employment in a position where Respondent provides any type of behavioral health related

1 services or in a setting where any type of behavioral health, health care, or social services are
2 provided, Respondent shall provide the Social Work Credentialing Committee Chair or designee
3 a written statement providing the contact information of his new employer(s) and a signed
4 statement from Respondent's new employer(s) confirming Respondent provided the
5 employer(s) with a copy of this Consent Agreement. If Respondent does not provide the
6 employer's statement to the Board within 10 days, as required, Respondent's failure to provide
7 the required statement to the Board shall be deemed a violation of A.R.S. § 32-3251(12)(n) and
8 the Board will provide Respondent's employer(s) with a copy of the Consent Agreement.

9 24. Respondent shall practice social work using the name under which he is
10 licensed. If Respondent changes his name, he shall advise the Board of the name change as
11 prescribed under the Board's regulations and rules.

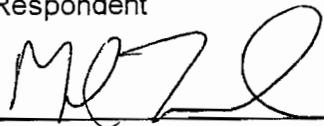
12 25. Prior to the release of Respondent from probation, Respondent must submit a
13 written request to the Board for release from the terms of this Consent Agreement at least 30
14 days prior to the date he would like to have this matter appear before the Board. Respondent
15 may appear before the Board, either in person or telephonically. Respondent must provide
16 evidence that he has successfully satisfied all terms and conditions in this Consent Agreement.
17 The Board has the sole discretion to determine whether all terms and conditions of this Consent
18 Agreement have been met and whether Respondent has adequately demonstrated that he has
19 addressed the issues contained in this Consent Agreement. In the event that the Board
20 determines that any or all terms and conditions of this Consent Agreement have not been met,
21 the Board may conduct such further proceedings as it determines are appropriate to address
22 those matters.

23 26. Respondent shall bear all costs relating to probation terms required in this
24 Consent Agreement.

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1 **COPY** of the foregoing mailed via
2 Certified mail no. 7012 1640 0001 9801 1546,
3 This 1st day of November, 2012, to:

4 John S. Lynch
5 Address of Record
6 Respondent

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8 _____
9 Tobi Zavala, Compliance Officer
10 602-542-1617
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