

1                                   **BEFORE THE ARIZONA BOARD**  
2                                   **OF BEHAVIORAL HEALTH EXAMINERS**

3 **In the Matter of:**

4 **Linda L. Poure, LCSW-2979,**  
5 **Licensed Clinical Social Worker,**  
6 **In the State of Arizona.**

7                                   **RESPONDENT**

**CASE NO. 2015-0077**  
**CONSENT AGREEMENT**

8                   In the interest of a prompt and speedy settlement of the above captioned matter,  
9 consistent with the public interest, statutory requirements and responsibilities of the Arizona  
10 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F)  
11 and 41-1092.07(F)(5), Linda L. Poure ("Respondent") and the Board enter into this Consent  
12 Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final  
13 disposition of this matter.

14                                   **RECITALS**

15                   Respondent understands and agrees that:

16                   1.       Any record prepared in this matter, all investigative materials prepared or  
17 received by the Board concerning the allegations, and all related materials and exhibits may be  
18 retained in the Board's file pertaining to this matter.

19                   2.       Respondent has the right to a formal administrative hearing at which Respondent  
20 can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably  
21 waives her right to such formal hearing concerning these allegations and irrevocably waives her  
22 right to any rehearing or judicial review relating to the allegations contained in this Consent  
23 Agreement.

24                   3.       Respondent has the right to consult with an attorney prior to entering into this  
25 Consent Agreement.

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 her  
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. However, the parties' stipulation to the Findings of  
8 Fact set forth in this Consent Agreement are made solely for purposes of any matter or issue  
9 before the Board, and shall not be deemed admissible in any forum outside this Board, including  
10 any civil or criminal matter now pending, or that may arise in the future.

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

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

21          8.     Respondent further understands that any violation of this Consent Agreement  
22 constitutes unprofessional conduct pursuant to A.R.S. § 32-3251(16)(n) and may result in  
23 disciplinary action pursuant to A.R.S. § 32-3281.  
24  
25

1 9. The Board therefore retains jurisdiction over Respondent and may initiate  
2 disciplinary action against Respondent if it determines that they have failed to comply with the  
3 terms of this Consent Agreement or of the practice act.

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

5 **FINDINGS OF FACT**

6 1. Respondent is the holder of License No. LCSW-2979 for the practice of social  
7 work in Arizona.

8 2. From 03/04/14 to 04/22/14, Respondent provided marital counseling to a  
9 husband ("Husband") and wife ("Wife").

10 3. From 03/17/14 to 09/25/15, Respondent also provided individual counseling to  
11 Husband.

12 4. Respondent's marital counseling treatment plan failed to contain signatures from  
13 Husband or Wife.

14 5. Respondent's clinical record for Husband's individual counseling was not kept  
15 separately from the couple's clinical file as required.

16 6. Respondent did not obtain consent for treatment or generate a treatment plan for  
17 Husband's individual counseling.

18 7. The Board and Respondent entered into a Consent Agreement on May 9, 2016,  
19 wherein Respondent's license, LCSW-2979, was placed on probation subject to the specific  
20 requirements ordered therein.

21 8. After the Consent Agreement had been consummated, Respondent decided it  
22 was her desire to permanently give up her practice as a licensed social worker; Respondent  
23 sought input from the Board as to how to surrender her license, given the requirements of the  
24 May 9, 2016 Consent Agreement.

1 9. As the Board has no defined mechanism for licensure surrender, the Board  
2 Executive Director proposed the Board and Respondent enter into a new Consent Agreement  
3 wherein Respondent would agree to terminate her practice, and cease practicing under her  
4 license, LCSW-2979 as of December 9, 2016.

#### 5 CONCLUSIONS OF LAW

6 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251 *et seq.*  
7 and the rules promulgated by the Board relating to Respondent's professional practice as a  
8 licensed behavioral health professional.

9 2. The conduct and circumstances described in the Findings of Fact constitute a  
10 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as  
11 developed by the Board.

#### 12 ORDER

13 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree as  
14 follows:

15 1. By 12/09/16, Respondent shall terminate her private practice and cease  
16 practicing under her license.

17 2. Respondent's license, LCSW-2979, shall by rule, expire on 03/31/18.

18 3. Upon its expiration, Respondent agrees not to renew her license.

19 4. Respondent agrees not to submit any type of new license application to the  
20 Board for a minimum of five (5) years.

#### 21 Practice Termination Plan

22 5. Prior to terminating her private practice, Respondent shall submit a written plan  
23 for terminating their private practice for pre-approval by the Board Chair or designee. At a  
24 minimum, the proposed termination plan must include each of the following:  
25

- a. A written protocol for the secure storage, transfer and access of the clinical records of Respondent's clients and former clients.
- b. The procedure by which Respondent shall notify each client and former client in a timely manner regarding the future location of the clinical records of Respondent's clients and former clients and how those records can be accessed after the termination of Respondent's practice.
- c. A written protocol for developing an appropriate referral for continuation of care for Respondent's current clients.
- d. A list of Respondent's current clients and the timeframe for terminating services to each client. The timeframe for terminating services shall not exceed 30 days.

6. This Consent Agreement is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event a subsequent violation occurs.

**PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

Linda L. Poure  
Linda L. Poure

2/13/17  
Date

**BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

Dated this 7<sup>th</sup> day of March, 2017.

By: Tobi Zavala

TOBI ZAVALA, Executive Director  
Arizona Board of Behavioral Health Examiners

1 ORIGINAL of the foregoing filed  
This 7<sup>th</sup> day of March, 2017 with:

2  
3 Arizona Board of Behavioral Health Examiners  
3443 N. Central Ave., Suite 1700  
4 Phoenix, AZ 85012

5 COPY of the foregoing mailed via Interagency Mail  
This 7<sup>th</sup> day of March, 2017, to:

6 Marc Harris  
7 Assistant Attorney General  
1275 West Washington  
8 Phoenix, Arizona 85007

9 COPY of the foregoing mailed via  
Certified mail no. 70141200 0000 66339844  
This 7<sup>th</sup> day of March, 2017, to:

10 Linda L. Poure  
11 Address of Record  
12 Respondent

13 COPY of the foregoing mailed via Mail  
This 7<sup>th</sup> day of March, 2017 to:

14 DeeDee Holden  
15 Holden & Armer, P.C.  
4505 East Chandler Boulevard, Suite #210  
16 Attorney for Respondent

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