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

4 In the Matter of:

Case No. 2019-0058

5 Janice L. Lynch, LMSW-12855,
6 Licensed Master Social Worker,
7 In the State of Arizona.

CONSENT AGREEMENT

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RESPONDENT.

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

RECITALS

Respondent understands and agrees that:

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

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

3. Respondent has the right to consult with an attorney prior to entering into this 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
3 revoke their acceptance of this Consent Agreement or make any modifications to it. Any
4 modification of this original document is ineffective and void unless mutually approved
5 by the parties in writing.

6 5. The findings contained in the Findings of Fact portion of this Consent
7 Agreement are conclusive evidence of the facts stated herein between only Respondent
8 and the Board for the final disposition of this matter and may be used for purposed of
9 determining sanctions in any future disciplinary matter.

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12 approve this Consent Agreement, this Consent Agreement is withdrawn and shall be of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

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

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

23 **FINDINGS OF FACT**

24 1. Respondent is the holder of License No. LMSW-12855 for the practice of
25 social work in Arizona.

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1 2. From 05/14–11/18, Respondent worked for a behavioral health agency
2 (“Agency”).

3 3. During that time, from 08/14–12/16, Respondent provided treatment to an
4 adult female client (“Client”).

5 4. In 11/18, Agency learned that Client was providing in-home care services
6 to Respondent’s father.

7 5. Rather than sign a corrective action plan offered by Agency, Respondent
8 submitted an immediate resignation.

9 6. According to Respondent:

10 a. Her father was 86 years old and lived at home with her and her
11 husband.

12 b. He had several medical conditions that required 24-hour care.

13 c. Respondent belongs to a Buddhist community. Another member of
14 the Buddhist community asked if anyone there could assist
15 Respondent with her father until they could secure an in-home
16 provider.

17 d. Client offered her assistance.

18 e. In 08/18, Respondent’s father hired Client, who happens to be
19 Respondent’s former client.

20 7. Aside from being Respondent’s former client at Agency, Client was still
21 occasionally engaged in Agency services where she attended the alumni aftercare
22 program for former clients.

23 8. During her interview with Board staff, Respondent indicated the following:

24 a. Respondent drove to Buddhist meetings and would pick up several
25 members on the way.

26 b. Client was one of those members.

- 1 c. Client and the other members would pitch in to cover Respondent's
- 2 gas since she drove.
- 3 d. Client and Respondent would participate in potlucks with other
- 4 members following worship sessions.
- 5 e. Client had a key to Respondent's house.
- 6 f. Client has become a part of Respondent's family.
- 7 g. Respondent's siblings have all embraced Client because of the
- 8 relationship she had with their father.
- 9 h. Client is still invited over frequently.

10 9. Respondent acknowledged being Facebook friends with Client and added
11 that she is friends with other former clients as well.

12 10. On 05/10/19, upon the Board's review of Complaint No. 2019-0058,
13 Respondent was accompanied by Client for Respondent's case hearing and possible
14 disciplinary action concerning her professional license.

15 11. Respondent acknowledged bringing Client with her to the case hearing and
16 again confirmed that she and Client are friends.

17 **CONCLUSIONS OF LAW**

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

21 2. The conduct and circumstances described in the Findings of Fact constitute
22 a violation of A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is
23 contrary to recognized standards of ethics in the behavioral health profession or that
24 constitutes a danger to the health, welfare or safety of a client as it relates to the following
25 sections of the NASW Code of Ethics:

26 **1.06 Conflicts of Interest**

1 (c) Social workers should not engage in dual or multiple
2 relationships with clients or former clients in which there is a risk of
3 exploitation or potential harm to the client. In instances when dual or
4 multiple relationships are unavoidable, social workers should take
5 steps to protect clients and are responsible for setting clear,
6 appropriate, and culturally sensitive boundaries. (Dual or multiple
7 relationships occur when social workers relate to clients in more
8 than one relationship, whether professional, social, or business. Dual
9 or multiple relationships can occur simultaneously or consecutively.)

10 (h) Social workers should avoid accepting requests from or engaging
11 in personal relationships with clients on social networking sites or
12 other electronic media to prevent boundary confusion, inappropriate
13 dual relationships, or harm to clients.

14 **ORDER**

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

- 17 1. As of the effective date of the Consent Agreement, Respondent shall not
18 practice under their license.
- 19 2. Respondent's license, LMSW-12855, shall by rule, expire on 09/30/19.
- 20 3. Respondent agrees not to renew their license.
- 21 4. Respondent agrees not to submit any type of new license application to the
22 Board for a minimum of two (2) years.
- 23 5. This Consent Agreement is conclusive evidence of the matters described
24 herein and may be considered by the Board in determining appropriate sanctions in the
25 event a subsequent violation occurs.

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

2 Janice L. Lynch
3 Janice L. Lynch

4 Date 8-5-19

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

6 Dated this 19th day of August, 2019.

7 By: [Signature]
8 TOBI ZAVALA, Executive Director
9 Arizona Board of Behavioral Health Examiners

10 ORIGINAL of the foregoing filed
11 this 19th day of August, 2019 with:

12 Arizona Board of Behavioral Health Examiners
13 1740 West Adams Street, Suite 3600
14 Phoenix, AZ 85007

15 COPY of the foregoing mailed via Interagency Mail
16 this 19th day of August, 2019, to:

17 Marc Harris
18 Assistant Attorney General
19 2005 North Central Avenue
20 Phoenix, AZ 85004

21 COPY of the foregoing mailed via
22 Certified mail no. 9489 0090 0027 6047 0033 07
23 this 19th day of August, 2019, to:

24 Janice L. Lynch
25 Address of Record
26 Respondent

27 COPY of the foregoing mailed via Mail
28 this 19th day of August, 2019 to:

29 Heather A. Macre
30 Aiken Schenk
31 2390 East Camelback Road, Suite 400
32 Phoenix, AZ 85016
33 Attorneys for Respondent

34 By: [Signature]