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Respondent
COPY of the foregoing mailed via Mail
This 7th day of February, 2017 to:

Arthur Evans
3030 N 3rd St, Ste 1300
Phoenix, AZ 85012
Attorney for Respondent

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

3 **In the Matter of:**
4 **L.D. Lumpkin, LCSW-4026 & LISAC-**
5 **11050,**
6 **Licensed Clinical Social Worker &**
7 **Licensed Independent Substance Abuse**
8 **Counselor,**
9 **In the State of Arizona.**

CASE NO. 2016-0027
CONSENT AGREEMENT

7 **RESPONDENT**

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

15 **RECITALS**

16 Respondent understands and agrees that:

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

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

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

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

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

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

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

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

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

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 Nos. LCSW-4026 and LISAC-11050 for the
4 practice of social work and substance abuse counseling in the state of Arizona.

5 2. From 03/14 – 04/14, Respondent provided 3 individual counseling sessions to an
6 adult male client ("Client").

7 3. In review of the records that Respondent created and maintained for Client, the
8 following deficiencies were identified:

- 9 a. Client's Consent for Treatment failed to include various required elements.
10 b. Client's record did not contain a Treatment Plan.

11 **CONCLUSIONS OF LAW**

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

15 The conduct and circumstances described in the Findings of Fact constitute a
16 violation of A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as
17 developed by the Board as it relates to the following:

- 18 a. A.A.C. R4-6-1102, Treatment Plan

19 3. The conduct and circumstances described in the Findings of Fact constitute a
20 violation of A.R.S. § 32-3251(15)(q), failing or refusing to maintain adequate records of
21 behavioral health services provided to a client.

22 **ORDER**

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

- 25 1. Respondent's licenses, LCSW-4026 and LISAC-11050, will be placed on

1 probation, effective from the date of entry as signed below.

2 2. Respondent shall not practice under their license, LCSW-4026 and LISAC-
3 11050, unless they are fully compliant with all terms and conditions in this Consent Agreement.
4 If, for any reason, Respondent is unable to comply with the terms and conditions of this
5 Consent Agreement, they shall immediately notify the Board in writing and shall not practice
6 under their license until they submit a written request to the Board to re-commence compliance
7 with this Consent Agreement. All such requests shall be pre-approved by the Board Chair or
8 designee.

9 3. In the event that Respondent is unable to comply with the terms and conditions
10 of this Consent Agreement, all remaining time frames shall be tolled and remain tolled until
11 such time as they are granted approval to re-commence compliance with the Consent
12 Agreement.

13 **Continuing Education**

14 4. In addition to the continuing education requirements of A.R.S. § 32-3273, within
15 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
16 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
17 addressing current behavioral health documentation standards in Arizona. All required
18 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
19 Respondent shall submit a certificate of completion of the required continuing education.

20 5. In addition to the continuing education requirements of A.R.S. § 32-3273, within
21 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
22 hours of continuing education addressing suicide assessment. All required continuing education
23 shall be pre-approved by the Board Chair or designee. Upon completion, Respondent shall
24 submit a certificate of completion of the required continuing education.

25 ...

1 and the period of probation shall be extended until the matter is final.

2 11. If Respondent currently sees clients in their own private practice, and obtains any
3 other type of behavioral health position, either as an employee or independent contractor, where
4 they provide behavioral health services to clients of another individual or agency, they shall
5 comply with requirements set forth in paragraphs 12 through 14 below.

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

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

24 14. If, during the period of Respondent's probation, Respondent changes
25 employment, resigns, is involuntarily terminated, resigns in lieu of termination, or goes on

1 extended leave of absence for whatever reason that may impact their ability to timely comply
2 with the terms of probation, Respondent shall, within 10 days of the aforementioned acts, inform
3 the Board of their change of employment status. After the change and within 10 days of
4 accepting employment in a position where Respondent provides any type of behavioral health
5 related services or in a setting where any type of behavioral health, health care, or social
6 services are provided, Respondent shall provide the Board Chair or designee a written
7 statement providing the contact information of their new employer(s) and a signed statement
8 from Respondent's new employer(s) confirming Respondent provided the employer(s) with a
9 copy of this Consent Agreement. If Respondent does not provide the employer's statement to
10 the Board within 10 days, as required, Respondent's failure to provide the required statement to
11 the Board shall be deemed a violation of A.R.S. § 32-3251(16)(n) and the Board will provide
12 Respondent's employer(s) with a copy of the Consent Agreement.

13 15. Respondent shall practice behavioral health using the name under which they
14 are licensed. If Respondent changes their name, they shall advise the Board of the name
15 change as prescribed under the Board's regulations and rules.

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

address those matters.


17. Respondent shall bear all costs relating to probation terms required in this Consent Agreement.

18. Respondent shall be responsible for ensuring that all documentation required in this Consent Agreement is provided to the Board in a timely manner.

19. This Consent Agreement shall be effective on the date of entry below.

20. 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.

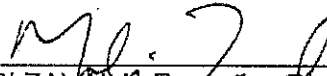
PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT


L.D. Lumpkin LCW
LIDAL

12-5-16
Date

BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT

Dated this 16th day of December, 2016.

By: 
TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 16th day of December, 2016 with:

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

COPY of the foregoing mailed via Interagency Mail
This 16th day of December, 2016, to:

1 Marc Harris
2 Assistant Attorney General
3 1275 West Washington
4 Phoenix, Arizona 85007

5 **COPY** of the foregoing mailed via

6 Certified mail no. 70142870000189574863
7 This 16th day of December, 2016, to:

8 L.D. Lumpkin
9 Address of Record
10 Respondent

11 **COPY** of the foregoing mailed via Mail

12 This 16th day of December, 2016 to:

13 Arthur Evans
14 3030 North Third Street
15 Suite 1300
16 Phoenix, AZ 85012
17 Attorney for Respondent

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