

**SETTLEMENT AGREEMENT BETWEEN ROBERT LINEBARGER AND THE STATE  
COMMITTEE FOR SOCIAL WORKERS**

The State Committee for Social Workers (the "Committee") and Robert Linebarger ("Licensee" or "Linebarger") enter into this settlement agreement for the purpose of resolving the question of whether Licensee's clinical social worker license will be subject to discipline and, if so, to agree on the appropriate level of discipline to be imposed upon that license (the "Settlement Agreement").

Pursuant to the terms of Section 536.060 RSMo<sup>1</sup>, the parties hereto waive the right to a hearing by the Administrative Hearing Commission and the right to a disciplinary hearing before the Committee per Section 621.110, RSMo, and stipulate and agree to final disposition of this matter by this Settlement Agreement.

Licensee acknowledges that he understands the various rights and privileges afforded to him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a hearing before the Committee at which time he may present evidence in mitigation of discipline; and the right to potentially recover attorney's fees incurred in defending this action against his license. Being aware of these rights provided it by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to him.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated.

Licensee acknowledges that he has received a copy of the investigative report and other documents relied upon by the Committee in determining there is cause for discipline, along with citations to law and/or regulations the Committee believes were violated and that he has been advised of his right to consult with private legal counsel, at his expense, to assist him with this matter. For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Committee that Licensee's license is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 324, 337 and 621, RSMo.

### **Relevant Statutes and Regulations**

1. Section 191.905, RSMo, states, in relevant part:
  1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:
    - (1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;
    - (2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;
    - (3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;
    - (4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. Section 337.630.2, RSMo, authorizes discipline against a clinical social worker's license and states, in relevant part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

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(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed under this chapter; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;;

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(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

\* \* \*

(13) Violation of any professional trust or confidence;

\* \* \*

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

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4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

### **Jointly Stipulated Facts and Conclusions of Law**

Licensee and the Committee stipulate and agree to the following findings of fact and conclusions of law:

#### *The Parties*

3. The Committee is an agency of the state of Missouri, created and existing pursuant to Section 337.622, RSMo, for the purpose of carrying out the provisions of Sections 337.600 through 337.689, RSMo.

4. Robert Linebarger, Licensee, is a natural person who has registered his business address with the Committee at XXXX<sup>2</sup>, Saint Joseph, Missouri 64506.

5. Licensee holds a licensed clinical social worker, license number 003652, that was at all times relevant to this Settlement Agreement, and is now, current and active.

#### *Conduct Giving Cause for Discipline*

6. On April 7, 2016, Licensee plead guilty to violating section 191.905, RSMo, a Class C Felony, of making or causing to be made false statements to receive a health care payment and knowingly made false representations to MO Health Net, a health care payer, for the purpose of receiving health care payment, claiming Licensee provided therapy services to

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<sup>2</sup> Licensee's street address is on file with the Committee and available, upon request.

Medicaid participants and which representations were false and known by Licensee to be false. *State v. Robert Linebarger*, Case number 16BU-CR00321-01, Circuit Court of Buchanan County, Missouri. (the “Felony Conviction”).

7. On May 26, 2016, the Court sentenced Linebarger to five years incarceration with the Missouri Department of Corrections, with execution of sentence suspended, and placed on supervised probation for five years, subject to certain terms and conditions, that include payment of restitution of \$15,099, 480 hours of community service and 60 days “shock detention.”

8. Between May 8 and July 9, 2014, Licensee submitted 10 false claims to MoHealthNet for therapy services that were not provided, but for which Licensee received payment.

9. The Felony Conviction was for an offense reasonably related to the qualifications, functions and duties of a social worker licensed under Chapter 337, RSMo, is an offense of which an essential element is fraud, dishonesty and is an offense involving moral turpitude.

10. Licensee violated the ethical rules for the practice of social work.

11. The Committee has cause to discipline Linebarger’s clinical social worker license pursuant to Section 337.630.2(2), (4), (5), (6), (13) and (15), RSMo.

#### **Jointly Stipulated Disciplinary Order**

The parties agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter pursuant to Sections 337.630 and 621.045.3, RSMo:

12. Linebarger’s clinical social worker license is hereby **REVOKED**. Licensee shall, within 10 business days of the effective date of this Settlement Agreement, return to the Committee all indicia of licensure and shall not engage in the practice of social work.

13. The terms of this Settlement Agreement are contractual, legally enforceable and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge or termination is sought.

14. Licensee, together with his heirs and assigns and his attorney(s), do hereby waive, release, acquit and forever discharge the Committee, its respective members and any of its employees, agents or attorneys, including any former Committee members, employees, agents and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to Section 536.087 RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

15. Each party agrees to pay all their own expenses and fees incurred as a result of this matter or any ensuing litigation.

16. Licensee understands that he may, either at the time the Settlement Agreement is signed by all parties or within fifteen (15) days thereafter, submit the Settlement Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's license(s). If Licensee desires the Administrative Hearing Commission to review this Settlement Agreement, Licensee may submit his request to:

Administrative Hearing Commission, P.O. Box 1552, United States Post Office Building, Third Floor, 131 West High Street, Jefferson City, Missouri 65102.

17. If Licensee requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes in to effect 15 days after the document is signed by the Executive Director of the Committee.

18. This Settlement Agreement shall be maintained as an open and public record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

LICENSEE

  
Robert Linebarger, Licensee

Date 8/15/16

Approved:

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# \_\_\_\_\_ Date \_\_\_\_\_

ATTORNEY FOR LICENSEE

COMMITTEE

  
Tom Reichard, Executive Director

Date 8/23/16

  
Sharon K. Euler #42950 Date 8/19/16

Legal Counsel  
Division of Professional Registration  
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ATTORNEY FOR THE COMMITTEE