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SETTLEMENT AGREEMENT

Robert Linebarger (“Licensee”), and the Missouri State Committee for Social Workers (“Committee”), 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.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri (“AHC”) regarding cause to discipline the Licensee’s license, and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee’s own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the Committee at which time Licensee may present evidence in mitigation of

¹ All statutory references are to the Revised Statutes of Missouri, 2000, as amended, unless otherwise indicated.

discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's license. Being aware of these rights provided Licensee 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 Licensee.

Licensee acknowledges that Licensee has received a copy of the investigative report and other documents relied upon by the Committee in determining there was cause to discipline Licensee's license, along with citations to law or regulations the Committee believes were violated.

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 clinical social worker license, numbered 003652, is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 621 and 337, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Committee is an agency of the state of Missouri, created and existing pursuant to § 337.622, RSMo, for the purpose of carrying out the provisions of §§ 337.600 through 337.689, RSMo.
2. Licensee, Robert Linebarger, is a natural person with the following address registered with the Committee: 3304 Devonshire Drive, St. Joseph, Missouri.
3. Licensee is a licensed clinical social worker, license number 003652, which was originally issued on March 23, 1993. Licensee's license is currently active.
4. On or about March 29, 2013, the Committee received a letter from the Missouri Department of Social Services Medicaid Audit & Compliance Unit advising the Committee that Licensee provided clinical social work services while Licensee was not licensed by the Committee and that Licensee billed MO HealthNet under Licensee's MO HealthNet number for such services. The unlicensed timeframe referenced in the letter was from close of business September 30, 2012 through November 26, 2012. The total overpayment made to Licensee due to such improper billing was \$5,452.00.
5. In the subsequent investigation initiated by the Committee, the Committee discovered:
 - a. Licensee's license as a clinical social worker issued by the Committee expired due to non-renewal on October 1, 2012 and remained expired until November 27, 2012.

- b. Licensee's license as a clinical social worker issued by the Committee also expired due to non-renewal in previous renewal cycles resulting in Licensee's license being expired during the following periods: October 1, 2006 to October 26, 2006; October 1, 2008 to November 19, 2008; and October 1, 2010 to December 2, 2010.
- c. Licensee acknowledged that he was late in renewing his license because he had not timely completed the continuing education required for renewal. Licensee acknowledged that he had been late renewing in prior renewal cycles for the same reason.
- d. Licensee continued to see and provide social work services for which a license is required to his clients during the period of October 1, 2012 through November 26, 2012. Licensee similarly continued to see and provide social work services for which a license is required to his clients during the periods his license was expired in 2006, 2008 and 2010.
- e. Licensee is repaying the \$5,452.00 to MO HealthNet.
- f. There was no allegation that Licensee billed for services not provided, but that Licensee billed for services for which a license was required while Licensee's license was expired.
- g. Licensee provided clinical social worker services for which a license is required without an active license from the Committee.
- h. Licensee represented himself as a licensed clinical social worker when he held no such active license.

6. Section 337.603, RSMo, provides, in pertinent part:

No person shall use the title of "licensed clinical social worker" or "clinical social worker", or engage in the practice of clinical social work in this state, unless the person is licensed as required by the provisions of sections 337.600 to 337.689. Only individuals who are licensed clinical social workers shall practice clinical social work.

7. Section 337.630, RSMo, provides, in pertinent 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:

...

(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;

...

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.

8. Licensee's actions as set forth in paragraphs 4 and 5 constitute misconduct in the performance of the functions or duties of a social worker licensed pursuant to this chapter, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

9. Licensee's actions as set forth in paragraphs 4 and 5 constitute violation of any provision of §§ 337.600 to 337.689, RSMo, specifically § 337.603, RSMo, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

10. Licensee's actions as set forth in paragraphs 4 and 5 constitute violation of any professional trust or confidence, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

11. Accordingly, cause exists for the Committee to take disciplinary action against Licensee's clinical social worker license under § 337.630.2(5), (6) and (13), RSMo.

Joint Agreed Disciplinary Order

12. The terms of discipline shall include that the Licensee's clinical social worker license, license number 003652, shall be placed on **PROBATION** for a period of **two (2) years**. During the probation period, Licensee shall be entitled to retain Licensee's clinical social worker license and may offer and engage in the practice of clinical social work as provided in Chapter 337, RSMo, provided Licensee adheres to all of the terms of this Settlement Agreement.

13. PROBATION REQUIREMENTS

- a. Licensee shall, at his expense, annually attend a three (3) hour, in-person, continuing education course focusing on the rules promulgated by the Committee. Licensee shall provide written documentation to the Committee of completion of such course. Such written documentation shall be provided by Licensee to the Committee on or before September 30, 2014 and again on or before September 30, 2015.
- b. Licensee shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.
- c. Licensee shall submit reports to the Missouri State Committee for Social Workers, Post Office Box 1335, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all the terms and conditions of this Settlement Agreement by no later than January 1, April 1, July 1 and October 1 during each year of the disciplinary period. The first report shall be due January 1, 2014. Such reports shall be submitted regardless of whether Licensee is offering or providing clinical social work services.
- d. Licensee shall keep the Committee apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten days of any change of home or work address and home or work telephone number.
- e. Licensee shall comply with all provisions of the Chapter 337, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.
- f. During the probation period, Licensee shall timely renew Licensee's licenses and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's licenses in a current and active state.
- g. During the probation period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.

14. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Committee may impose such additional or other discipline that it deems appropriate, including the imposition of revocation.

15. This Settlement Agreement does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

16. The parties to this Settlement Agreement understand that the Missouri State Committee for Social Workers will maintain this Settlement Agreement as an open record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

17. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be

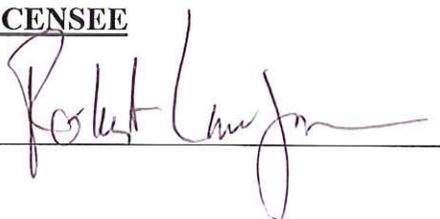
changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

18. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, 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 § 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 this Settlement Agreement. The parties acknowledge 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 to be void or unenforceable.

19. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the license of the licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

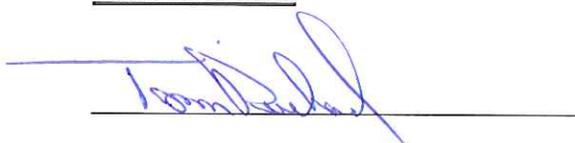
20. If Licensee has requested review, Licensee and Committee jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the Settlement Agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

LICENSEE



A handwritten signature in blue ink, appearing to read "Robert L. ...", written over a horizontal line.

COMMITTEE



A handwritten signature in blue ink, appearing to read "Robert L. ...", written over a horizontal line.

Robert Linebarger, Licensee
003652

State Committee for Social Workers
Tom Reichard, Executive Director

Date Dec. 17, 2013

Date 1-16-2014