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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)	
MICHAEL LYNN RIGBY)	STIPULATION AND ORDER
TO PRACTICE AS A LICENSED)	
CLINICAL SOCIAL WORKER)	CASE NO. DOPL 2013- 49
IN THE STATE OF UTAH)	

MICHAEL LYNN RIGBY (“Respondent”) and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Social Worker Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4102(4)

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities

7. Respondent admits the following facts are true
 - a. Respondent was first licensed as a licensed clinical social worker in the State of Utah on or about January 12, 1995
 - b. Respondent has provided clinical supervision for students and licensed mental health therapists throughout his career
 - c. From about May 2010 through August 2010, Respondent signed documents at a counseling agency, including, but not limited to:
 - i. W-4 (2010) form;
 - ii. Form I-9;
 - iii. "Job Description for Michael Rigby – Clinical Director and Staff Supervisor" form; and
 - iv. a limited power of attorney memorandum, which authorized the agency's business officer to sign Respondent's name on insurance claims, insurance Preferred Provider Agreements, request for quotes, RFP's, and "other documents that serve to advance payment for services rendered "
 - d. The owner of the counseling agency, who was licensed as an Associate Marriage and Family Therapist, had represented herself on her business card as a "MFT" (Marriage and Family Therapist).
 - e. Respondent reported to a Division investigator that he never provided clinical supervision or any clinical services at the counseling agency, and had never even been to the counseling agency
 - f. A "Verification of Supervised Hours Form" signed by Respondent, showed that Respondent provided approximately 4,100 hours of clinical supervision to Cynthia Susan Tangren, a certified social worker, from about May 2008 to about February 27, 2012.
 - g. The "Verification of Supervised Hours Form" was filled out by Ms Tangren and signed by Respondent on February 27, 2012
 - h. Out of the 4100 hours of supervision reported by Respondent, only 176.25 were obtained when Ms Tangren was an employee at the agency where Respondent was also employed.

1. The majority of Ms Tangren's supervised hours were obtained in Ms. Tangren's private practice setting.
- j Respondent failed to provide adequate supervision for Ms. Tangren and failed to abide by the rules of supervision

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (h), and Utah Administrative Code R156-60a-302c(4), and R156-60a-601(1), (2), (3), (4), (5), (6), (7), (9), and (10)(a) and (b); and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2), shall be entered in this matter as follows:

- (1) Respondent's license shall be revoked The revocation of Respondent's license shall be immediately stayed and Respondent's license shall be subject to a term of probation for a period of two years The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order During the period of probation, Respondent shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.
 - (a) **Meetings with Compliance Specialist.** Respondent shall contact Division Compliance Specialist Susan Higgs within two weeks of the effective date of this Stipulation and Order to schedule a meeting for the purpose of discussing the terms and conditions of the Stipulation and Order An appointment with Ms. Higgs can be scheduled by contacting her by telephone at (801) 530-6428 or by email as shiggs@utah.gov.
 - (b) **Written Plan** After meeting with the Division Compliance Specialist, but prior to the first scheduled meeting with the Board, Respondent shall submit a written plan to the Division that summarizes the steps Respondent shall take in order to ensure full compliance with the terms of probation
 - (c) **Meetings with the Board.** Respondent shall meet with the Board and

Division at the first scheduled Board meeting after the effective date of the Order Respondent shall meet with the Division and Board at a frequency to be determined by the Board and Division.

- (d) **Additional Continuing Professional Education.** Respondent shall complete ten additional hours of continuing professional education, pre-approved by the Board and Division, in the area of Respondent's licensed field of practice, with emphasis in the areas of clinical supervision and ethics. The ten additional hours of continuing professional education shall be completed within one year from the date of this Stipulation and Order. The ten additional hours of continuing education hours shall not count toward the regular continuing professional education requirement for license renewal. Respondent shall provide documentation to the Division and Board of successful completion of the ten additional hours.
- (e) **Essay** Respondent shall submit a 500 word essay to the Division and Board addressing Respondent's violations and applicable Utah law that applies to Respondent's violations. The essay shall also address lessons learned from the continuing education courses described in subparagraph (j) above along with what steps she will take in the future to make sure Respondent does not engage in the same conduct again. The essay shall be submitted with 30 days of Respondent successfully completing the continuing education courses described in subparagraph (j) above.
- (f) Respondent shall notify the Division and Board within one (1) week of any change of employer or employment status. This is required regardless of whether Respondent is employed in Respondent's licensed occupation. The notification shall be in writing.
- (g) Respondent shall not supervise any student or other licensee. Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division and the Board authorize changes.
- (h) In the event that Respondent leaves Utah for a period longer than 60 days, Respondent shall notify the Division and the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order. Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms and conditions.
- (i) Periods of unemployment or employment in other fields of practice shall

be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in Respondent's licensed occupation during Respondent's probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the Respondent works less than full-time in Respondent's licensed occupation, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week.

- (j) Should other acts of unprofessional conduct come to the attention of the Division or Board which have occurred prior to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose sanctions in accordance with applicable law.
- (k) Respondent shall immediately notify the Division, in writing, of any changes in private or professional address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division via first class U S Mail, and shall constitute notice to Respondent
- (l) Failure to pay for any of the costs associated with this probation shall be considered a violation of this Order. Respondent further agrees to complete all conditions of probation in a timely manner. Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion.
- (m) Respondent agrees to keep Respondent's Utah license active during the period of probation
- (n) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement.
- (o) Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation and Order.

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter Respondent

acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of the Director having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order

12 The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by

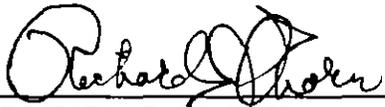
the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

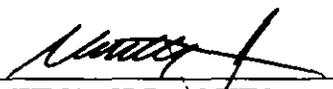
BY: 
RICHARD J. OBORN
Bureau Manager

BY: 
MICHAEL LYNN RIGBY

DATE: 1/31/13

DATE 01/31/13

JOHN E. SWALLOW
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE. 31 Jan 13

ORDER

THE ABOVE STIPULATION, in the matter of **MICHAEL LYNN RIGBY**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 31st day of January, 2013.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator Dee Thorell