

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

2 **In the Matter of:**

3 **Floyd K. Godfrey, LPC-10466,**
4 **Licensed Professional Counselor,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2021-0012

**RELEASE FROM NON-DISCIPLINARY
CONSENT AGREEMENT AND ORDER**

7 The Board received a request from Respondent to release them from the terms and
8 conditions of the Non-Disciplinary Consent Agreement and Order dated November 16th, 2020.
9 After consideration, the Board voted to release Respondent from the terms and conditions of the
10 Non-Disciplinary Consent Agreement and Order dated November 16th, 2020.

11 **ORDER**

12 **GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED THAT:**

13 Respondent is hereby released from all terms and conditions of the Non-Disciplinary
14 Consent Agreement and Order dated November 16th, 2020.

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

Jul 17, 2021
Date

17
18 **ORIGINAL** of the foregoing filed **Jul 17, 2021**
with:

19 Arizona Board of Behavioral Health Examiners
20 1740 West Adams Street, Suite 3600
21 Phoenix, AZ 85007

22 **EXECUTED COPY** of the foregoing sent electronically **Jul 17, 2021**
to:

23 Floyd K. Godfrey
24 Address of Record
Respondent

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

3 **In the Matter of:**
4 **Floyd K. Godfrey, LPC-10466,**
5 **Licensed Professional Counselor,**
6 **In the State of Arizona.**
7
8
9
10
11
12 **Respondent**

13 **CASE NO. 2021-0012**
14 **NON-DISCIPLINARY CONSENT**
15 **AGREEMENT**

16 In the interest of a prompt and speedy settlement of the above captioned matter,
17 consistent with the public interest, statutory requirements and responsibilities of the Arizona
18 State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(D)(3)
19 and 41-1092.07(F)(5), Floyd K. Godfrey ("Respondent") and the Board enter into this Non-
20 Disciplinary Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent
21 Agreement") as a final disposition of this matter.

22 **RECITALS**

23 Respondent understands and agrees that:

- 24 1. Any record prepared in this matter, all investigative materials prepared or
25 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 their right to such formal hearing concerning these allegations and irrevocably waives
their 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 revoke their
3 acceptance of this Consent Agreement or make any modifications to it. Any modification of this
4 original document is ineffective and void unless mutually approved by the parties in writing.

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

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

16 7. Respondent acknowledges and agrees that the acceptance of this Consent
17 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
18 other proceedings as may be appropriate now or in the future. Furthermore, and
19 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
20 preclude in any way any other state agency or officer or political subdivision of this state from
21 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
22 in the future relating to this matter or other matters concerning Respondent, including but not
23 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
24 than with respect to the Board, this Consent Agreement makes no representations, implied or
25 ...

1 otherwise, about the views or intended actions of any other state agency or officer or political
2 subdivision of the state relating to this matter or other matters concerning Respondent.

3 8. Respondent understands that once the Board approves and signs this Consent
4 Agreement, it shall constitute a public record that may be disseminated as a formal action of the
5 Board.

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

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

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

13 **FINDINGS OF FACT**

14 1. Respondent is the holder of License No. LPC-10466 for the practice of
15 counseling in the state of Arizona.

16 2. Respondent is the Executive Director of a behavioral health agency ("Agency").

17 3. Therapist 1, a therapist at Agency and personal friend of an adult female
18 ("Client"), referred Client to another therapist at Agency, Therapist 2.

19 4. Between 08/19 – 03/20, Therapist 2, provided behavioral health services to
20 Client.

21 5. On 03/14/20, Respondent was notified that Therapist 1 had a sexual affair with
22 Client.

23 6. On 03/16/20, Therapist 1 resigned from Agency.

24 7. Respondent represents the following:

25 ...

1 a. Upon learning of the affair, Respondent and executives at Agency ("Executive
2 Team") conducted over thirteen hours of discussion regarding Therapist 1's
3 affair with Client.

4 b. Respondent represented that he and Executive Team concluded it was not
5 necessary to report Therapist 1 to the Board for unprofessional conduct for the
6 following reasons:

- 7 ▪ There was no clinical relationship between Therapist 1 and Client.
- 8 ▪ Therapist 1 and Client had a long-standing personal relationship.
- 9 ▪ There was no indication that Therapist 1's affair with Client impacted his
10 performance.
- 11 ▪ Respondent contacted the Arizona Department of Health Services ("DHS")
12 and was advised that DHS did not have a rule that obligated Agency to
13 report Therapist 1.
- 14 ▪ Respondent and Executive Team utilized the Ethical Decision-Making
15 Model to determine unprofessional conduct did not occur.
- 16 ▪ ACA Code of Ethics did not warrant a Board report.
- 17 ▪ Therapist 1's personal and arguably immoral decision did not appear to be
18 an ethical violation as it was not a provider/client relationship.

19 8. Although Respondent spent over thirteen hours with Executive Team discussing
20 Therapist 1's affair with Client, Respondent determined it was not necessary to file a report with
21 the Board despite being aware of the following:

22 a. Client signed a release of information authorizing Therapist 1 to access her
23 clinical records at Agency.

24 ...

25 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- Respondent acknowledged this signed release of information was inappropriate.
- Respondent acknowledged that because Client had a long-standing friendship with Therapist 1, and Therapist 1 was also a therapist at agency, there was a potential it could create a dual relationship.

b. Client was invited to find friendship and support by Therapist 2, and Therapist 1 was introduced into Client's therapy.

9. Despite acknowledging that he recognized the signed release of information created the potential for a dual relationship, it is concerning that Respondent concluded it was not necessary to report Therapist 1 to the Board.

10. Although Respondent contacted DHS for guidance, Respondent did not contact the Board for guidance regarding reporting requirements.

CONCLUSIONS OF LAW

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

2. Pursuant to A.R.S. § 32-3281(D)(3), if the Board finds that Respondent's conduct is not of sufficient seriousness to merit direct action against them, it may issue a nondisciplinary order requiring Respondent to complete a prescribed number of hours of continuing education in an area or areas prescribed by the Board to provide them with the necessary understanding of current developments, skills, procedures or treatment.

ORDER

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

...

1 **Continuing Education**

2 1. In addition to the continuing education requirements of A.R.S. § 32-3273, within
3 12 months of the effective date of this Consent Agreement, Respondent shall complete 6 clock
4 hours of the NASW Staying Out of Trouble continuing education course or an equivalent course
5 addressing current behavioral health documentation standards in Arizona. All required
6 continuing education shall be pre-approved by the Board Chair or designee. Upon completion,
7 Respondent shall submit a certificate of completion of the required continuing education.

8 **Licensee Name**

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

12 **Early Release**

13 3. After completion of the required continuing education, Respondent may request
14 early release from this Consent Agreement.

15 **General Provisions**

16 4. Respondent must submit a written request to the Board for release from the
17 terms of this Consent Agreement at least 30 days prior to the date they would like to have this
18 matter presented before the Board. Respondent may appear before the Board, either in person
19 or telephonically. Respondent must provide evidence that they have successfully satisfied all
20 terms and conditions in this Consent Agreement. The Board has the sole discretion to
21 determine whether all terms and conditions of this Consent Agreement have been met and
22 whether Respondent has adequately demonstrated that they have addressed the issues
23 contained in this Consent Agreement. In the event that the Board determines that any or all
24 terms and conditions of this Consent Agreement have not been met, the Board may open up a
25 complaint which will be subject to the provisions of A.R.S. § 32-3281.


1 5. Respondent shall bear all costs relating to completion of all terms required in this
2 Consent Agreement.

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


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

6 8. This Consent Agreement is conclusive evidence of the matters described herein
7 and may be considered by the Board in determining appropriate sanctions in future cases.

8
9 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

10  10-22-20
11 Floyd K. Godfrey Date

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

13 By:  11/16/20
14 TOBI ZAVALA, Executive Director Date
15 Arizona Board of Behavioral Health Examiners

16
17 **ORIGINAL** of the foregoing filed 11/16/20
with:

18 Arizona Board of Behavioral Health Examiners
19 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

20 **EXECUTED COPY** of the foregoing sent electronically 11/16/20
21 to:

22 Mona Baskin
23 Assistant Attorney General
24 2005 North Central Avenue
Phoenix, AZ 85004

25 ...
...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Floyd K. Godfrey
Address of Record
Respondent

Mandi J. Karvis
1 N. Central Avenue, Suite 885
Phoenix, AZ 85004
Attorney for Respondent