

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

3 **In the Matter of:**

4 **April I. Franklin, LAC-18040,**
5 **Licensed Associate Counselor,**
6 **In the State of Arizona.**

7 **RESPONDENT**

CASE NO. 2022-0083
CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER

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

14 **RECITALS**

15 Respondent understands and agrees that:

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

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

24 3. Respondent has the right to consult with an attorney prior to entering into this
25 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. Although Respondent does not agree that all the Findings of Fact set forth in this
10 Consent Agreement are supported by the evidence, Respondent acknowledges that it is the
11 Board's position that, if this matter proceeded to formal hearing, the Board could establish
12 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
13 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent
14 Agreement as an economical and practical means of resolving the issues associated with the
15 complaint filed against her. Further, Respondent acknowledges that the Board may use the
16 evidence in its possession relating to this Consent Agreement for purposes of determining
17 sanctions in any further disciplinary matter.

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

1 8. Respondent acknowledges and agrees that the acceptance of this Consent
2 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
3 other proceedings as may be appropriate now or in the future. Furthermore, and
4 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
5 preclude in any way any other state agency or officer or political subdivision of this state from
6 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
7 in the future relating to this matter or other matters concerning Respondent, including but not
8 limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
9 than with respect to the Board, this Consent Agreement makes no representations, implied or
10 otherwise, about the views or intended actions of any other state agency or officer or political
11 subdivision of the state relating to this matter or other matters concerning Respondent.

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

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

16 **FINDINGS OF FACT**

17 1. Respondent is the holder of License No. LAC-18040 for the practice of
18 Counseling in the State of Arizona.

19 2. Since 11/29/21, Licensee has held an Associate Professional Clinical Counselor
20 license with the California Board of Behavioral Sciences with no adverse action.

21 3. From 10/20 – 11/21, Respondent worked as a Family Therapist at an inpatient
22 behavioral health facility ("Agency").

23 4. On 10/02/20, Respondent signed a Confidentiality Statement with Agency
24 indicating her acceptance and understanding that she was obligated to protect all confidential
25 information even after her departure from Agency.

1 5. On 11/23/21, the Board received a complaint indicating that Complainant's
2 current client ("M.D.") who resides in West Virginia reported that Respondent has been
3 inappropriate and unethical since M.D. left Agency for inpatient services.

4 6. M.D. further reported that Respondent has been contacting her via Respondent's
5 personal cell phone, sharing personal details of her life, forwarding internal emails from Agency,
6 videos of Agency clients, and notes to read and delete emails.

7 7. From 04/19/21 – 05/24/21, M.D. received inpatient services from Agency which
8 included Respondent providing direct behavioral services to M.D.

9 8. M.D.'s clinical records from Agency included the following in part:

10 a. Psychiatric diagnosis: PTSD and Major depressive disorder, recurrent.

11 b. M.D.'s treatment plan indicated the following problems:

- 12 • Depression
- 13 • Eating disorders and obesity
- 14 • Family conflicts
- 15 • Partner relational conflicts
- 16 • PTSD

17 c. M.D.'s biopsychosocial assessment included the following presenting
18 problems:

- 19 • Depression and grief/loss
- 20 • Marital, family, and parent/child issues
- 21 • Trauma
- 22 • Mood swings
- 23 • Abandonment and betrayal
- 24 • Obsessions
- 25 • Decreased energy and suicidal feelings

- Relationship issues

9. M.D. contacted Board staff after this complaint was filed and voluntarily offered to be involved in this investigative process.

10. M.D. provided over 250 screenshots of text messages and over 70 screenshots of emails to Board staff which included the following in part:

- Respondent shared personal information about her personal life.
- Respondent texted two separate videos and identified them as clients of Agency.
- Respondent texted "Love you," emailed "I miss you!" and other friendly gestures to M.D.
- Respondent forwarded an email to M.D. from Agency staff which included a separate client's full name and confidential information about the client.
- Respondent referred to M.D. as her friend in a text.
- On 09/12/21, Respondent texted M.D. a picture of herself with someone and states this person's first name and that it was a "current resident that I am in Love with."
- NOTE:** Board staff later learned this resident Respondent was referring to was another client ("C.F.") that Respondent provide direct behavioral health services to at Agency.
- M.D. booked a flight to Tucson and a place to stay and Respondent provides M.D. her personal home address.
- On 09/24/21, MD. Texted Respondent a picture to Respondent of Respondent and M.D. together.
- Text messages indicate M.D. went to Respondent's home such as "the door is unlocked...just come on in."

1 k. Respondent asks M.D. if she wants to join Respondent for a pedicure.

2 l. M.D. texted that she spoke to one of Respondent's patients and stated her
3 first name, and Respondent responds that she is the patient's family
4 therapist.

5 11. In Respondent's initial response to the Board complaint, she acknowledged
6 contacting M.D. after her inpatient stay at Agency and moving from a clinical relationship to a
7 friend relationship.

8 12. Respondent's AT&T phone records showed over 80 phone calls from 07/05/21 –
9 11/18/21 between she and M.D.

10 13. From 08/11/21 – 09/17/21, C.F. received inpatient services from Agency in which
11 Respondent was C.F.'s primary therapist.

12 14. C.F.'s clinical records from Agency included the following in part:

13 a. Psychiatric diagnoses:

- 14 • Major depressive disorder, recurrent severe without psychotic features.
- 15 • Generalized anxiety disorder.
- 16 • Post-traumatic stress disorder.

17 b. C.F.'s treatment plan indicated the following needs:

- 18 • Worthiness
- 19 • Self-esteem
- 20 • Confidence
- 21 • Anxiety and depression
- 22 • Developing friendships
- 23 • Discomfort around men

24 c. C.F.'s Initial Psychiatric Evaluation include the following:

25 ...

- 1 • C.F. presented to Agency for depression, anxiety, and unresolved
- 2 trauma.
- 3 • C.F. resigned from her employment due to her symptoms.
- 4 • C.F. has a history of disordered eating.
- 5 • C.F. reported a history of physical, sexual, and emotional abuse.

6 15. After being notified Board staff was aware Respondent potentially had
7 inappropriate contact with C.F., Respondent acknowledged developing a friendship with C.F.
8 that was entirely platonic and Respondent's contact with C.F. continued until the latter part of
9 11/21.

10 16. Respondent's AT&T phone records showed over 70 phone calls from 09/22/21 –
11 12/02/21 between she and C.F. indicating Respondent's contact with C.F. continued after being
12 notified of the Board complaint.

13 17. On 01/14/22, Board staff received information from another licensed professional
14 with the Board which included the following:

- 15 a. This professional does not have all of the required information to submit a
16 formal Board complaint.
- 17 b. This professional's client, who wishes to remain anonymous, reported they
18 were a client at Agency until 09/21 and Respondent was their family
19 therapist.
- 20 c. This client reported Respondent remained in contact with them following their
21 discharge and engaged in a friendship.
- 22 d. During the time of this friendship, the client reported Respondent discussed
23 others clients from Agency.
- 24 e. This client reported Respondent planned to move out of state and enlisted
25 the assistance of more than one former client to help pack and move.

1 f. This client reported Respondent discussed future business opportunities she
2 may be interested in starting with this client.

3 18. Respondent's personnel records from Agency included the following:

4 a. On 06/25/21, Respondent emailed M.D. a forwarded message from Agency
5 staff with "Read and Delete" in the subject line.

6 b. On 09/14/21, Respondent emailed C.F. several pictures of Respondent and
7 C.F. embracing as well as a picture of another male patient of Agency.

8 c. A 02/16/21 clinical supervision note in which there was a discussion around
9 the counseling relationship and dual relationships.

10 19. Respondent violated confidentiality of Agency client's as follows:

11 a. Respondent acknowledges to M.D. that she was a family therapist for a client
12 of Agency that M.D. spoke to.

13 b. Respondent texted M.D. a picture of Respondent and C.F. together and
14 identified C.F. as an Agency client.

15 c. Respondent emailed M.D. an email from Agency staff that included a client's
16 name and confidential information.

17 d. Respondent texted M.D. two separate videos of Agency clients.

18 e. Respondent emailed C.F. a picture of a separate Agency client.

19 20. Respondent engaged in a non-therapeutic friendship with at least three former
20 clients she provided direct behavioral health services to at Agency, which included personal
21 contact outside of Agency after their discharges.

22 **CONCLUSIONS OF LAW**

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

1 2. The conduct and circumstances described in the Findings of Fact constitute a
2 violation of A.R.S. § 32-3251(16)(k), engaging in any conduct or practice that is contrary to
3 recognized standards of ethics in the behavioral health profession or that constitutes a danger
4 to the health, welfare or safety of a client, as it relates to the following sections of the ACA Code
5 of Ethics:

6 **A.6.3. Nonprofessional Interactions or Relationships**

7 Counselors avoid entering into nonprofessional relationships with former clients,
8 their romantic partners, or their family members when the interaction is
9 potentially harmful to the client. This applies to both in-person and electronic
10 interactions or relationships.

11 3. The conduct and circumstances described in the Findings of Fact constitute a
12 violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or condition that impairs
13 the ability of the licensee to safely and competently practice the licensee’s profession.

14 4. The conduct and circumstances described in the Findings of Fact constitute a
15 violation of A.R.S. § 32-3251(16)(t), disclosing a professional confidence or privileged
16 communication except as may otherwise be required by law or permitted by a legally valid
17 written release.

18 **ORDER**

19 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to
20 the provision and penalties imposed as follows:

21 1. Respondent’s license, LAC-18040, shall be surrendered to the Board, effective
22 from the date of entry as signed below.

23 2. The surrender shall be considered a revocation of Respondent’s license.

24 ...

25 ...

1 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

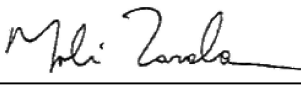
2 
April Franklin (Feb 2, 2022 10:17 PST)

3 April I. Franklin

Feb 2, 2022

Date

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

5 By: 
6

7 TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

Feb 14, 2022

Date

8 **ORIGINAL** of the foregoing filed Feb 14, 2022
9 with:

10 Arizona Board of Behavioral Health Examiners
11 1740 West Adams Street, Suite 3600
Phoenix, AZ 85007

12 **EXECUTED COPY** of the foregoing sent electronically Feb 14, 2022
13 to:

14 Mona Baskin
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

16 April I. Franklin
Address of Record
Respondent

18 Larry J. Cohen
P.O Box 10056
Phoenix AZ 85064
19 Attorney for Respondent

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