



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

April 17, 2019

Ms. Maggie D. Franiuk


Dear Ms. Franiuk:

On April 5, 2019, the Arizona Board of Behavioral Health Examiners ("Board") reviewed your application for licensure as a licensed associate counselor and determined that you are not eligible for licensure pursuant to A.R.S. § 32-3275(6). Specifically, the Board found that you engaged in conduct that had you been licensed would have constituted grounds for disciplinary action. The Board determined that the disciplinary action invoked the following violations that were based upon the conduct referenced thereafter:

1. A.R.S § 32-3251(16)(l) engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice the licensee's profession.
2. A.R.S § 32-3251(16)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health, as it relates to:
 - a. A.R.S. §32-3208, Mandatory Reporting of Criminal Charges: All licensees and applicants for licensure who have been charged with a felony or misdemeanor involving conduct that may affect patient safety must notify the Board, in writing, within 10 working days after the charge is filed.
 - b. A.A.C. R4-6-205, Change of Contact Information: A licensee or applicant shall notify the Board in writing within 30 days after any change of the licensee or applicant's contact information.

These violations were based on the following findings:

1. From 12/13 – 03/14, Maggie J. Franiuk ("Applicant") worked at a behavioral health agency as a youth care worker.
2. According to a 03/19/14 documented meeting minute entry, which included Applicant, her supervisor and the assistant program coordinator:
 - a. Various youth at the agency were interviewed regarding Applicant's inappropriate gestures with a particular minor client ("Client").
 - b. Client's mother told the agency that Applicant was calling and texting Client while he was on home pass.
 - c. Applicant admitted to the conduct and indicated she takes fully responsibility.
 - d. Applicant was informed that a camera review showed Applicant in the laundry room with Client, hugging.
 - e. Applicant was told to limit her contact with Client.
 - f. Applicant did not listen to this instruction.

3. On 03/29/14, Applicant was involuntarily terminated for insubordination and inappropriate client boundaries.
4. On 12/15/16, Applicant was arrested and charged with Possession of a Controlled Substance and Use and/or Possession of Drug Paraphernalia.
5. The police report regarding this criminal charge indicated the following:
 - a. On 12/15/16, Officer observed a vehicle speeding.
 - b. Officer conducted a search of the vehicle due to the smell of marijuana.
 - c. On the front passenger side, where Applicant was sitting, Officer found a clear food container that contained marijuana and paraphernalia.
 - d. Applicant admitted that the food container with marijuana and paraphernalia was hers.
 - e. Property seized:
 - 1 white and purple pipe.
 - 1 silver metal pipe with residue.
 - 1 metal grinder.
 - Green leafy substance, 0.5g.
6. As a result of her conduct, Applicant was court ordered to complete a diversion program, which she subsequently completed.
7. On 07/27/17, Applicant was again arrested and charged with DWI for marijuana.
8. The police report regarding this criminal charge indicated the following:
 - a. Officer observed Applicant's car drive over the fog line twice.
 - b. Officer observed Applicant's eyes to be bloodshot and glassy.
 - c. Applicant had slow speech and Officer detected the odor of marijuana.
 - d. Applicant stated she smoked marijuana a few hours prior.
 - e. She performed the voluntary roadside tests and failed.
 - f. Applicant refused a blood test.
 - g. During the inventory search of the vehicle, Officer found a blue marijuana pipe and lighter.
 - h. Applicant was booked into jail, issued a summons, and issued a notice of driver's license revocation.
9. Despite being arrested and charged on the aforementioned occasions, Applicant failed to inform her employer, a rental car company, that she had been arrested for marijuana related charges in 12/16 and 07/17.
10. Applicant's employment for a rental car company required the possession of a valid driver's license, which Applicant did not have.
11. In 12/18, Applicant was involuntarily terminated from her employment at the rental car company when she tested positive for marijuana in her system.
12. Despite Applicant's 12/16 and 07/17 criminal arrests and 12/18 employment termination, which were all for drug related offenses, Applicant still acknowledges smoking marijuana on a recreational or social basis.

Per A.R.S. §41.1092.03.B, you may request a Formal Hearing by notifying the agency in writing within thirty-five (35) days from the date of this letter. If you do request a Formal Hearing, you also have the right, pursuant to A.R.S. §41-1092.06, to request a settlement conference. If you do not request a Formal Hearing by the close of business on May 22, 2019, your file will be closed without further recourse to appeal and the licensure denial will be reported to the federal data banks that record this information. If you desire licensure at a later date, you must submit a new application and fee.

PLEASE BE FURTHER ADVISED that, pursuant to the Board's licensure statute, as of July 1, 2004, only persons holding licenses to practice counseling may do so unless they are exempt from

licensure pursuant to A.R.S. § 32-3271.

If you have any questions, I can be reached at (602) 542-1617.

Sincerely,

A handwritten signature in black ink, appearing to read "Tobi Zavala". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tobi Zavala
Executive Director