

BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS
In the Matter of:
Erik N. Bracht, Applicant for licensure as a
Licensed Professional Counselor,
In the State of Arizona.

CASE NO. 2023-0122
ORDER OF DENIAL OF LICENSURE

RESPONDENT

REVISED

Erik N. Bracht (“Respondent”) applied for licensure as a Licensed Professional Counselor in the State of Arizona on October 6, 2022. On January 13, 2023, the Arizona Board of Behavioral Health Examiners (“Board”) determined that Respondent was not eligible for licensure and denied the application because of unprofessional conduct. On May 5, 2023, the Board met to conduct the formal hearing on the appeal filed by Respondent in the above referenced matter. The matter was prosecuted by Assistant Attorney General Mona Baskin. Assistant Attorney General Diane DeDea was present to provide independent legal advice to the Board. Respondent and his attorney were present telephonically.

FINDINGS OF FACT

1. On 10/06/22, the Board received Respondent’s LPC endorsement application and answered affirmative to two of the background questions regarding prior complaints or disciplinary actions or sanctions taken against Applicant in any other state.
2. Within Respondent’s application he represented that in 2004 he began a romantic relationship with a client (“Client”), got married, and had a son, and the Washington Board ultimately suspended his license and was reinstated in 2011.
3. The Washington Board’s Final Order included the following in part:
 - a. From approximately 07/02 – 06/03, Respondent provided mental health counseling services to Client through a behavioral health agency.

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- b. Client was receiving services to address issues arising from her relationship, personal issues around family of origin issues, emotional issues related to her daughters, and depression.
 - c. From 03/03 – 06/03, Client made it clear to Applicant she was interested in having a personal relationship with Respondent beyond the therapeutic relationship.
 - d. In 06/03, Client called Applicant at his home twice and Respondent did not return these calls and brought it to his supervisor's attention.
 - e. Respondent was then advised to transfer Client to another therapist within the agency, which in fact occurred.
 - f. Around 08/03, Respondent began a romantic relationship with Client and married in 06/04.
 - g. Respondent acknowledged his conduct was unprofessional.
 - h. In 2006, Respondent license was suspended for at least 3 years, with the suspension being stayed upon meeting the terms and conditions.
4. In 2011, Respondent had his license in Washington reinstated and in 2012, Respondent was released from all terms and conditions without any conditions.
5. Respondent represented the following in his 10/20/22 written statement to Board staff:
- a. From 2004 – 2017, Respondent and Client were married and they now raise their 17-year-old son.
 - b. In 2006, Respondent saw a therapist ("Therapist") for roughly 6 months when his Washington license was suspended, which Respondent decided to take a sabbatical from being a counselor.

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- c. Respondent and Therapist addressed issues related to Respondent's unprofessional conduct.
- d. In 2003, Respondent engaged in a romantic relationship with Client before Washington's two-year requirement for engaging in a relationship with a former client.
- e. In 2011, Respondent wanted to return to the field and had his Washington license reinstated.
- f. Respondent was only four years into his career, and two years licensed when this conduct occurred.
- g. Respondent has used this painful experience to support others who have also struggled with the consequences of poor decisions.

6. Respondent engaged in formal therapy with Therapist for a total of 8 sessions from 01/15 – 06/15, roughly 12 years after his romantic relationship with Client began but the focus of therapy was marital issues rather than boundary issues.

7. Respondent represented during an investigative interview that when Client was pursuing him at first, he told her it was inappropriate and knew it was inappropriate, yet began a romantic relationship with Client.

8. Since his relationship with Client, Respondent has taken 6 hours of ethics to maintain his Washington license, engaged in therapy, and has become aware of his feelings.

CONCLUSIONS OF LAW

1. Respondent is not eligible for licensure pursuant to A.R.S. § 32-3275(A)(5) and A.R.S. § 32-3275(A)(6), as it relates to a violation of A.R.S. § 32-3251(16)(v), engaging in any sexual conduct between a licensee and a client or former client.

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ORDER


Based on the evidence and testimony presented, and having heard the arguments of the parties, the Board hereby DENIES Respondent's appeal and affirms its previous decision to deny licensure.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified of the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.A.C. R4-6-1002. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing for rehearing is required to preserve any rights of appeal to the Superior Court.

Dated this 21st day of June, 2023

By: 

TOBI ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

ORIGINAL of the foregoing filed
This 21st day of June, 2023 with:

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

COPY of the foregoing mailed via Interagency Mail
This 21st day of June, 2023, to:
Mona Baskin
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

Diane DeDea
Assistant Attorney General
2005 North Central Avenue
Phoenix, AZ
Attorney for the Board of Behavioral Health Examiners

COPY of the foregoing mailed via
Certified mail no. 9489 0090 0027 6384 9802 48,
This 21st day of June, 2023, to:

Erik N. Bracht
Address of Record
Respondent

COPY of the foregoing mailed
This 21st day of June, 2023, to:

Jeffrey Hunter
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