



STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
CHRISTI JENNIFER FRANKLIN,) **Case No. 161031474C**
)
Applicant.)

ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 10, 2017, the Division of Consumer Affairs, through counsel, submitted a Petition to the Director of the Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") alleging cause for refusing to issue a motor vehicle extended service contract producer license to Christi Jennifer Franklin. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Christi Jennifer Franklin ("Franklin") is a Missouri resident with a residential and mailing address of 259 Timber Ridge Drive, Troy, Missouri 63379.
2. On August 15, 2016, the Department received Franklin's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Question No. 1 of the Application asks:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

“Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

“Had a judgment withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an “SIS” or “SES”).

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

4. Franklin answered “Yes” to Background Question No. 1 and included a written statement and court documents which revealed the following criminal history:

a. On March 12, 2014, an Indictment was filed charging Franklin, in part as follows:

That Christi Franklin ... committed the class C felony of stealing a controlled substance ... in that on or between April 8, 2013 and July 6, 2013, in the County of St. Louis, State of Missouri, [Franklin] appropriated Morphine Sulf., a controlled substance, which was in the possession of Bethesda Meadow, and [Franklin] appropriated such controlled substance without the consent of Bethesda Meadow and with the purpose to deprive them thereof.

- b. On February 6, 2015, Franklin pled guilty to Theft/Stealing Any Controlled Substance As Defined By Section 195.010, a Class C Felony, in violation of § 570.030.¹
- c. On August 21, 2015, the court sentenced Franklin to five (5) years’ incarceration, but suspended the execution of the sentence and ordered her to complete five (5) years’ supervised probation.

State v. Christi J. Franklin, St. Louis Co. Cir. Ct., Case No. 14SL-CR00715-01.

¹ All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

5. Background Question No. 2 of the Application asks:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

“Involved” means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. “Involved” also includes the act of surrendering a license to resolve an administrative proceeding or action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license or is related to the lack of such license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

6. Franklin answered “Yes” to Background Question No. 2 and included a written statement, in which she admits that she “lost [her] nurses license.”
7. On September 16, 2014, the Missouri State Board of Nursing entered Findings of Fact, Conclusions of Law, and Disciplinary Order (“Disciplinary Order”) that revoked Franklin’s nursing license. *State Board of Nursing v. Christi Franklin*, Case No. 2013-003548 (Sept. 16, 2014).
8. The Disciplinary Order included findings of fact, which found, in part, as follows (original enumeration included):

* * *

6. At all times relevant herein, [Franklin] was employed by Bethesda Meadow in Ellisville, Missouri.

7. On or about July 7, 2013, the Administrator of Bethesda Meadow received a phone call from a nurse manager that two (2) liquid Roxanol containers had an odd odor.
8. The Administrator smelled the two (2) containers and noted that both containers smelled like mouthwash and the liquid in the containers was also the same color of the mouthwash used at Bethesda Meadow.
9. The Administrator conducted a review of everyone who signed out Roxanol and discovered that [Franklin] was signing out that she was administering frequent doses of Roxanol to patients who were not vocal or able to speak for themselves.
10. Roxanol is a brand of morphine sulfate, a pain killer, and is ordered to be administered as needed for pain relief.
11. The Administrator questioned [Franklin] about the Roxanol being tampered with and [Franklin] initially denied knowing anything about the Roxanol being tampered with.
12. The Administrator then questioned other staff and residents. She discovered that the Roxanol prescribed to patient, E.I., had been tampered with and smelled like mouthwash.
13. E.I. was terminal and was undergoing pain management. E.I. was not able to speak for himself but would moan and become agitated when in pain.
14. E.I. had been agitated and uncomfortable and his physician increased his dosage of Roxanol but E.I. did not seem to be relieved from his pain with the increased dosage. After his Roxanol was found to be tampered with, a new container of Roxanol was ordered for him and was effective in relieving his pain. E.I. died shortly after receiving the new container of Roxanol.
15. On or about July 8, 2013, [Franklin] admitted to the Administrator that she had been diverting the Roxanol for her personal consumption and had replaced the Roxanol that she took with water and mouthwash. She further stated that she had been diverting Roxanol since April 2013.
16. E.I. received injections of the water and mouthwash that [Franklin] had placed in his Roxanol containers.
17. [Franklin] provided a written statement to her employer that she had diverted Roxanol from five (5) patients and replaced the patients' Roxanol with water and/or mouthwash to conceal her diversion from approximately

April 8, 2013 through approximately the end of June 2013. [Franklin] stated that she would take full “bottles” of Roxanol and replace the bottle with water and/or mouthwash. [Franklin] documented that the patients were administered the Roxanol that she withdrew for herself when in fact, the patients were not administered the Roxanol.

18. [Franklin] admitted to ingesting Roxanol while working as a licensed practical nurse at Bethesda Meadows.

19. [Franklin] also admitted to an investigator of the Board that she had also diverted one (1) Percocet from a patient at Bethesda Meadows.

Id.

CONCLUSIONS OF LAW

9. Section 385.209 RSMo (Supp. 2013)² provides, in relevant part:

1. The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

* * *

(4) Misappropriated or converted any moneys or properties received in the course of doing business;

(5) Been convicted of any felony; [or]

(6) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere[.]

10. The Director has grounds to refuse to issue a motor vehicle extended service contract (“MVESC”) producer license to Franklin pursuant to § 385.209.1(4) because Franklin misappropriated or converted properties received in the course of doing business when Franklin received medications that were prescribed to terminally ill patients in Franklin’s care and Franklin diverted said medications to her own use. Franklin had access to the prescription medications due to her employment as a licensed practical nurse.

² All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

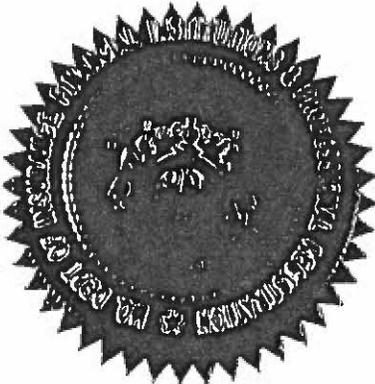
11. The Director has grounds to refuse to issue a MVESC producer license to Franklin pursuant to § 385.209.1(5) because Franklin has been convicted of a felony: Theft/Stealing Any Controlled Substance As Defined By Section 195.010, a Class C Felony. *State v. Christi J. Franklin*, St. Louis Co. Cir. Ct., Case No. 14SL-CR00715-01.
12. The Director has grounds to refuse to issue a MVESC producer license to Franklin pursuant to § 385.209.1(6) because Franklin used dishonest practices or demonstrated untrustworthiness in the conduct of business in this state. While employed as a licensed practical nurse, at a business in Missouri, Franklin was trusted with caring for terminally ill patients who were not able to speak for themselves. Franklin admitted that from approximately April 2013 to June 2013, she diverted and ingested pain medications that were prescribed to patients under her care. Further, in order to hide her practice of consuming her patients' medications, Franklin refilled the bottles that previously contained liquid pain medication with water and/or mouthwash. As a result, the patients under Franklin's care received injections of water and/or mouthwash instead of their prescribed pain medication.
13. The Director has considered Franklin's history and all of the circumstances surrounding Franklin's Application. Granting Franklin a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a MVESC producer license to Franklin.
14. This Order is in the public interest.

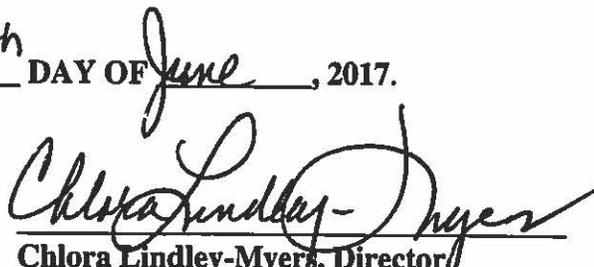
ORDER

IT IS THEREFORE ORDERED that Christi Jennifer Franklin's motor vehicle extended service contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 13th DAY OF June, 2017.




Chlora Lindley-Myers, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Christi Jennifer Franklin
259 Timber Ridge Drive
Troy, Missouri 63379

Tracking No. 1ZOR15W84295639601



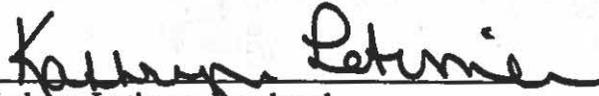
Kathryn Latimer, Paralegal
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301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Christi Jennifer Franklin
259 Timber Ridge Drive
Troy, Missouri 63379

Certified No. 7016 1370 0001 2035 8992



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
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301 West High Street, Room 530
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Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Christi Jennifer Franklin
259 Timber Ridge Drive
Troy, Missouri 63379



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