

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **RESPIRATORY CARE EXAMINERS**

3 In the Matter of:) **CASE NO. C003852-18-011896**
4)
5 **COSMINA DEAC, RCP**) **CONSENT AGREEMENT AND**
6 Holder of License No. **011896**) **NON-DISCIPLINARY ORDER**
7)
8 Or the Practice of Respiratory Care)
9 In the State of Arizona)

10 **CONSENT AGREEMENT**

11 **RECITALS**

12 In the interest of a prompt and judicious settlement of the above-captioned matter before
13 the Arizona State Board of Respiratory Care Examiners ("Board"), and in the interest of
14 protecting the people of the State of Arizona, consistent with the statutory requirements and
15 responsibilities of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07
16 (F)(5), Cosmina Deac, RCP ("Respondent"), holder of license number 011896 to practice
17 respiratory care in the State of Arizona, and the Board enter into the following Consent
18 Agreement for Findings of Fact, Conclusions of Law, and Non-Disciplinary Order for
19 Rehabilitative Probation ("Consent Agreement") as the final disposition of this matter.

20 1. Respondent has the right to consult with an attorney prior to entering into this
21 Consent Agreement. Respondent has read and understands this Consent Agreement as set forth
22 herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has
23 waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the
24 purpose of avoiding the expense and uncertainty of an administrative hearing.

25 2. Respondent understands that she has a right to a public administrative hearing
26 concerning each and every allegation set forth in the above-captioned matter, at which time
Respondent could present evidence and cross-examine witnesses. By entering into this Consent
Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative
hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or
any other administrative, and/or judicial action concerning the matters set forth herein.
Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any

1 modifications to this original document are ineffective and void unless mutually approved by
2 the parties in writing.

3 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
4 of this agreement under A.R.S. §§ 32-3552 and 32-3553. Respondent understands that the
5 Board may consider this Consent Agreement or any part of it in any future disciplinary action
6 against her.

7 4. Respondent understands that this Consent Agreement does not constitute a
8 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
9 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
10 regarding any other pending or future investigation, action, or proceeding.

11 5. All admissions Respondent makes in this Consent Agreement are made solely
12 for the final disposition of case numbers C003852-18-011896, and any related administrative
13 proceedings or civil litigation involving the Board and Respondent. Respondent further
14 understands that acceptance of the Consent Agreement does not preclude any other agency,
15 subdivision, or officer of this state from instituting other civil or criminal proceedings with
16 respect to the conduct that is the subject of this Consent Agreement.

17 6. Respondent acknowledges that it is the Board's position that if this matter
18 proceeded to formal hearing, the Board could likely establish sufficient evidence to support a
19 conclusion that certain of Respondent's conduct constituted unprofessional conduct under
20 A.R.S. § 32-3552 and A.A.C. R4-45-214. Therefore, Respondent has agreed to enter into this
21 Consent Agreement as an economical and practical means of resolving the issues associated
22 with the Board's investigation.

23 7. The Consent Agreement shall be subject to approval by the Board and shall be
24 effective only when signed by the Executive Director and accepted by the Board. In the event
25 that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no
26 evidentiary value and shall not be relied upon nor introduced in any action by any party. The
parties agree that if the Board rejects this Consent Agreement and this case proceeds to hearing,

1 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of
2 this document or any other records relating thereto.

3 8. Respondent understands that this Consent Agreement is a public record that may
4 be publicly disseminated as a formal action of the Board.

5 9. Respondent understands that any violation of this Consent Agreement could be
6 grounds for further disciplinary action by the Board pursuant to A.A.C. R4-45-214(3).

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DATED: 4.19.18

SIGNED: 
RCP Cosmina Deac, Respondent

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FINDINGS OF FACT

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1. The Arizona State Board of Respiratory Care Examiners is the duly constituted agency for licensing and regulating of the practice of respiratory care in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-3501, *et seq.*

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2. Cosmina Deac, RCP ("Respondent"), is the holder of License Number 011896 which enables her to practice respiratory care in the State of Arizona.

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3. Respondent's license to practice respiratory care was originally issued on June 21, 2016 and expires on January 13, 2020.

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4. Respondent allowed her license to expire on January 13, 2018. Respondent submitted a late renewal application on January 18, 2018. Respondent signed an Affidavit stating she had practiced respiratory care without the benefit of holding an active and valid license issued by the Board.

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6. Respondent self-disclosed that she had worked one (1) shift on January 15, 2018 without the benefit of holding an active and valid license issued by this Board.

1 CONCLUSIONS OF LAW

2 1. The conduct described in the Findings of Fact constitutes grounds for disciplinary
3 action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(i)
4 which states, “Any conduct or practice which is contrary to recognized standards of ethics of the
5 respiratory therapy profession or any conduct or practice which does or might constitute a danger
6 to the health, welfare or safety of the patient or the public.”

7 2. The conduct described in the Findings of Fact constitutes grounds for disciplinary
8 action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of A.R.S. § 32-
9 3501(9)(k), which states, “Violating or attempting to violate, directly or indirectly, or assisting in
10 or abetting the violation of or conspiring to violate a provision of this chapter.”

11 3. The conduct described in the Findings of Fact constitutes grounds for disciplinary
12 action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of A.A.C. R4-45-214 (6)
13 which states, “Endangering a patient’s or the public’s physical or emotional health or safety or
14 engaging in conduct or practice that may reasonably be expected to do so.”

15 ORDER

16 **IT IS HEREBY ORDERED THAT** Cosmina Deac, RCP, holder of license number
17 011896, shall be assessed a non-disciplinary **CIVIL PENALTY** in the amount of **FIFTY AND**
18 **00/100 DOLLARS (\$50.00)**. This Civil Penalty shall be paid to the Arizona State Board of
19 Respiratory Care Examiners by no later than **NINETY (90) DAYS** from the effective date of this
20 Order.

21 If Respondent is experiencing a hardship that requires payment of the Civil Penalty in
22 increments or an extension of the Civil Penalty due date, please contact the Board offices at
23 (602) 542-5995 to make alternative arrangements **NO LATER THAN THIRTY (30) DAYS** from
24 the effective date of this Order.
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ARIZONA STATE BOARD OF RESPIRATORY CARE



SEAL

Jack Confer, Executive Director

DATED THIS 23rd DAY OF APRIL 2018.

Original Consent Agreement for
Non-Disciplinary Civil Penalty
filed this 23rd day of APRIL 2018 with the:

Arizona Board of Respiratory Examiners
1740 West Adams Street, Suite 3406
Phoenix, AZ 85007

Copy of the foregoing sent by electronic,
Regular and certified mail this 23rd
day of APRIL 2018 to:

Cosmina Deac, RCP
Address on Record
