# BEFORE THE ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

In the Matter of:	)	CASE NO. 2019-RCE-0083
ZEKE EIDE, RCP	)	CONSENT AGREEMENT AND
Holder of License No. 009711	)	ORDER FOR VOLUNTARY
	)	SURRENDER OF LICENSE
For the Practice of Respiratory Care	)	
In the State of Arizona	)	
	1	

# CONSENT AGREEMENT RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Respiratory Care Fxaminers ("Board"), and in the interest of protecting the people of the State of Arizona, consistent with the statutory requirements and responsibilities of the Board pursuant to A.R.S. § 32-3501, et seq. and A.R.S. § 41-1092.07 (F)(5), Zeke Eide, RCP ("Respondent"), holder of license number 009711 to practice respiratory care in the State of Arizona, and the Board enter into the following Consent Agreement for Findings of Fact, Conclusions of Law, and Disciplinary Order for Probation and Decree of Censure ("Consent Agreement") as the final disposition of this matter.

- 1. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.
- 2. Respondent understands that he has a right to a public administrative hearing 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

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

- Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to this original document are ineffective and void unless mutually approved by the parties in writing.
- Respondent agrees that the Board may adopt this Consent Agreement or any part 3. of this agreement under A.R.S. §§ 32-3552 and 32-3553. Respondent understands that the Board may consider this Consent Agreement or any part of it in any future disciplinary action against him.
- 4. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board. if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action, or proceeding.
- All admissions Respondent makes in this Consent Agreement are made solely 5. for the final disposition of case number 2019-RCE-0083, and any related administrative proceedings or civil litigation involving the Board and Respondent. Respondent further understands that acceptance of the Consent Agreement does not preclude any other agency. subdivision, or officer of this state from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
- The Consent Agreement shall be subject to adoption by the Board and shall be effective only when signed by the Chairperson of the Board or the Executive Director of the Board, on behalf of the Chair. In the event that the Board does not adopt this Consent Agreement, it is withdrawn and shall be of no 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. Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any other records relating thereto.

20

21

22

23

24

25

26

- Respondent understands that a Voluntary Surrender of License constitutes a disciplinary action against his previously held license. Respondent further understands that any disciplinary action taken against a licensee by the Board must be reported to the National Practitioner Data Bank, in accordance with federal regulations.
- 8. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board.
- 9. Respondent understands that any violation of this Consent Agreement could be grounds for further disciplinary action by the Board pursuant to A.A.C. R4-45-214(3).

DATED: 05-13-73 SIGNED: 3k

## FINDINGS OF FACT

- 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.
- Zeke Eide, RCP, is the holder of License Number 009711, which enabled him to practice respiratory care in the State of Arizona. Respondent's license was set to expire on May 13, 2019.
- Respondent self-reported two separate and mutually exclusive arrests and 3. convictions for Driving Under the Influence that occurred in September and October of 2018. Both charges were reported outside of the mandatory ten (10) day reporting requirement prescribed by law.
- Respondent subsequently pleaded guilty for both offenses and was incarcerated 4. for a mandatory four (4) month sentence and was released from Arizona Department of Corrections on February 20, 2019.

- 5. Respondent's history with the Board includes a prior violation on file for failure to report a criminal charge within the mandatory time frame prescribed by law. On February 14, 2017, the Board's Executive Director executed a "Consent Agreement for Non-disciplinary Civil Penalty" in Case Number C003694-17-009711. Respondent timely paid a \$250.00 Civil Penalty for failing to report an incident that resulted in a criminal charge on February 12, 2016.
- 6. Respondent has acknowledged that he no longer wishes to practice the profession of respiratory care and desires to surrender his license at this time.

### CONCLUSIONS OF LAW

- 1. The conduct described in the Findings of Fact constitutes grounds for disciplinary action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(i) which states. "Any conduct or practice which is contrary to recognized standards of ethics of the respiratory therapy profession or any conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public."
- 2. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. § 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(k), which states. "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this chapter."
- 3. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. § 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (3) which states. "Endangering a patient's or the public's physical or emotional health or safety or engaging in conduct or practice that may be reasonably expected to do so."
- 4. The conduct described in the Findings of Fact constitutes grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3208(A) which state, "A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law. IT IS HEREBY ORDERED THAT License Number 009711 issued to Zeke Eide is VOLUNTARILY SURRENDERED upon the signing of this Order by the Executive Director of the Board at the approval of the Board.

SEAL STANDARD STANDAR

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

20

21

22

24

25

26

DATED THIS 13" DAY OF MAY . 2019

ARIZONA STATE BOARD OF RESPIRATORY CARE

Jack Confer Executive Director

Original Consent Agreement filed this 1314 day of MA 2019 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 13 day of MAY, 2019 to:

Zeke Eide, RCP
Address on Record

Copy of the foregoing sent by electronic mail this 13,7 day of MAY 2019 to:

Frankie Shinn-Eckberg, Assistant Attorney General Office of Arizona Attorney General 1275 W. Washington

Phoenix. AZ 85007