# BEFORE THE ARIZONA STATE BOARD RESPIRATORY CARE EXAMINERS

RESPIRATORY CARE EXAMINERS	
In the Matter of:	CASE NO. 2019-RCE-0148
MONICA EVANS, RCP	
Holder of License No. <b>009892</b>	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
For the Practice of Respiratory Care In the State of Arizona )	ORDER FOR REVOCATION
Monica Evans, RCP ("Respondent"),	did not appear before the Arizona State Board of
Respiratory Care Examiners ("Board") for	a Formal Administrative Hearing on Thursday,

October 17, 2019. Frankie Shinn-Eckberg, Assistant Attorney General, appeared on behalf of the State of Arizona. Mary Williams, Assistant Attorney General, appeared as independent advice counsel for the Board. Following the presentation of the State's Motion to Deem the Allegations Admitted, pursuant to A.R.S. § 32-3553(K), the Board voted to grant the State's Motion and

### **FINDINGS OF FACT**

adopted the following Findings of Fact, Conclusions of Law, and Order.

- 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.
- 2. Monica Evans, RCP, is the holder of License Number 009892 which enables her to practice respiratory care in the State of Arizona.
- 3. Respondent has been licensed to practice respiratory care in the State of Arizona since April 21, 2011 and Respondent's license to practice respiratory care is active until April 17, 2021.
- 4. On or about April 17, 2019, Respondent timely submitted an application for renewal of her respiratory care license.
- 5. As part of the renewal process, the Board conducts a mandatory Continuing Education Audit pursuant to A.A.C. R4-45-208.

6. Respondent responded to the Board's request for the Continuing Education Audit on or before the date specified in the audit notice and submitted twenty units of approved continuing education obtained during Respondent's renewal period of April 11, 2017 to April 17, 2019. However, Respondent failed to obtain two ethics units and five live course units. Respondent was unable to produce documentation showing she had obtained two units of ethics and five units of approved live continuing education as required by law and failed to demonstrate compliance with the continuing education requirement mandated for Respondent's last renewal period.

# **CONCLUSIONS OF LAW**

- 1. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(1) and (3) and violate 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)(1) and (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)(1) and (3) and violate the provisions of A.A.C. R4-45-214 (6), which states, "Endangering a patient's or the public's physical or emotional health or safety or engaging in conduct or practice that may reasonably be expected to do so."

#### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED THAT** License No. 009892 issued to Monica Evans shall be **REVOKED** on the effective date of this Order.

**IT IS FURTHER ORDERED** that Monica Evans may not apply to the Board for reinstatement of her license for at least one calendar year from the issuance date of this Order, as specified in A.R.S. § 32-3554 (A) and (B).

## **NOTICE**

In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you are required to exhaust your administrative remedies by filing a motion for rehearing or review of the Board's decision within thirty-five days after these Findings of Fact, Conclusions of Law, and Order are mailed to you at your last known address, or thirty days after they are personally served upon you. Pursuant to A.R.S. § 41-1092.09(B), you are notified that failure to file a motion for rehearing or review in writing at the Board's office by that date has the effect of prohibiting you from seeking judicial review of the Board's decision

DATED THIS 18th DAY OF OCTOBER, 2019.

ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

By:

Jack Confer, Executive Director

Original Findings of Fact, Conclusions
Of Law, and Order for Revocation of License to
Practice Respiratory Care filed this
18th day October, 2019 with the:

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

Copy of the foregoing send by Electronic, Certified and Regular mail this <u>18th</u> day of October, 2019 to:

Monica Evans Address of Record

Copy of the foregoing sent by inter-Agency mail this <u>18th</u> day of October, 2019 to:

Frankie Shinn-Eckberg, Assistant Attorney General Office of Arizona Attorney General 2005 North Central Avenue Phoenix, AZ 85004 Mary D. Williams, Assistant Attorney General Office of Arizona Attorney General 2005 North Central Avenue Phoenix, AZ 85004