

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

In the Matter of:) **CASE NO. C003841-18-12202**
)
BRIANNA KOCH, RCP)
Holder of License No. **012202**) **CONSENT AGREEMENT**
AND) **DISCIPLINARY**
ORDER FOR
For the Practice of Respiratory Care) **VOLUNTARY SURRENDER**
In the State of Arizona)

CONSENT AGREEMENT

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Respiratory Care Examiners (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), Brianna Koch, RCP (“Respondent”), holder of license number 012202 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 Voluntary Surrender of License (“Consent Agreement”) as the final disposition of this matter.

RECITALS

Respondent understands and agrees that:

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 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 modifications to this original document are ineffective and void unless mutually approved by the parties in writing.
3. Respondent agrees that the Board may adopt this Consent Agreement or any part 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 her.
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.
5. All admissions Respondent makes in this Consent Agreement are made solely for the final disposition of case number C003841-18-12202, 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.
6. Respondent acknowledges that it is the Board’s position that if this matter proceeded to formal hearing, the Board could likely establish sufficient evidence to support a

conclusion that certain of Respondent's conduct constituted unprofessional conduct under A.R.S. § 32-3552 and A.A.C. R4-45-214. Therefore, Respondent has agreed to enter into this Consent Agreement as an economical and practical means of resolving the issues associated with the Board's investigation.

7. The Consent Agreement shall be subject to approval by the Board and shall be effective only when signed by the Executive Director and accepted by the Board. In the event that the Board does not approve 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.

8. Respondent understands that a Voluntary Surrender of License constitutes a disciplinary action with the same force and effect of a license Revocation. Respondent agrees that she may apply for a license after one year pursuant to A.R.S. § 32-3554.

9. Respondent 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.


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

11. 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:

10/12/2020

SIGNED:



Brianna Koch, Respondent

FINDINGS OF FACT

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. Brianna R. Koch, RCP, is the holder of License Number 012202, 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 December 23, 2016 and Respondent's license to practice respiratory care is active until July 28, 2020.

4. On or about October 22, 2019, after a formal administrative hearing, the Board voted to adopt findings of fact and conclusions of law and issued an Order to Respondent for stayed revocation and probation ("Order").

5. Since the issuance of the Order the Board has not been able to make contact or assess the level of compliance with the Respondent's Order. Respondent has not been able to be reached by phone, email or letter. Failure to comply with requests from the Board pursuant to the Order constitutes failure to comply with the Order itself.

6. Respondent's attendance was requested at the Board's August 20, 2020 meeting and to provide an update on her compliance. Respondent did not attend the meeting or respond to the request for information.

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)(3) and violate the provisions of A.A.C. R4-45-214(3) which states, "Violating a formal order, condition of probation, or stipulation issued by the Board."


ORDER

IT IS HEREBY ORDERED THAT License Number 012202 issued to Brianna R. Koch, RCP shall be **VOLUNTARILY SURRENDERED** upon the signing of this Order by the Executive Director of the Board at the approval of the Board.

IT IS FURTHER ORDERED that Brianna R. Koch 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).



ARIZONA STATE BOARD OF RESPIRATORY CARE



Jack Confer, Executive Director

DATED THIS 21st DAY OF OCTOBER, 2020.

Original Consent Agreement for Findings of Fact, Conclusions of Law and Disciplinary Order filed this 21st day of October, 2020 with the:

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

Copy of the foregoing sent by electronic and regular mail this 21st day of October, 2020 to:

Brianna R. Koch
Address of Record

Copy of the foregoing sent by inter agency and electronic mail this 21st day of October, 2020 to:

Seamus Monaghan, AAG
Office of Arizona Attorney General, SGD/LES
2005 North Central Avenue
Phoenix, Arizona 85004

