



1 a Stevens model 62 .22 caliber long rifle, a glass water smoking pipe with burnt residue, two  
2 vials of naloxone, a plastic bag containing suspected marijuana, a wood container with suspected  
3 marijuana, a metal pipe, and indica.

4 6. The police report states that Respondent was informed of his Miranda rights and  
5 stated he understood them. When questioned by police, Respondent stated that police would find  
6 a “meth bong” in his closet and some marijuana in his drawer. Respondent further disclosed that  
7 he has smoked methamphetamine the majority of his life, that he does not smoke  
8 methamphetamine daily but smokes it off and on, that the last time he smoked methamphetamine  
9 was earlier that day, and that he smokes marijuana on occasion. Police noted that there was no  
10 methamphetamine in Respondent’s room and Respondent informed police that he had smoked  
11 the last of it that day and that he usually smokes about twenty dollars’ worth as soon as he gets it.

12 7. After the arrest, Respondent was questioned again at the police station while  
13 being audio and video recorded by police. He again stated he understood his rights and re-  
14 confirmed that he had a “meth bong” in his closet and marijuana in his drawer, that he has been  
15 smoking methamphetamine and marijuana his entire life, that he uses about twenty dollars’  
16 worth of methamphetamine at a time, and does not smoke all the time.

17 8. On February 2, 2018, Respondent entered into a Stipulated Guilty Plea in which  
18 he pleaded guilty to Count 3: Possession of Drug Paraphernalia (Methamphetamine), a Class 1  
19 Misdemeanor (amended) in violation of A.R.S. §§ 13-3415(A), 13-604, 13-707, and 13-802.

20 9. Respondent did not report the incident to the Board within the mandatory ten (10)  
21 day reporting requirement prescribed by law.

22 10. Respondent appeared before the Board on April 19, 2018 and denied ever having  
23 used methamphetamine, claiming that his responses to police were due in part to having guns  
24 pointed at him and in part to issues with his hearing.

25 11. The Board reviewed the preliminary investigative materials and based on the  
26 findings, the Board was concerned that Respondent’s continued practice as a respiratory therapist

1 at this time might endanger the public health, safety, or welfare.

2 12. The Board discussed these allegations at the Regular Board Meeting on April 19,  
3 2018 and found that the protection of the public health, safety or welfare imperatively required  
4 emergency action due to the egregious nature of Respondent's conduct and the potential harm to  
5 the public's health, safety or welfare.

6 **CONCLUSIONS OF LAW**

7 1. The Board of Respiratory Care Examiners of the State of Arizona possesses  
8 jurisdiction over this subject matter and Respondent pursuant to A.R.S. § 32-3501, *et seq.*

9 2. The Board has the authority to issue an Interim Order of Summary Suspension of  
10 License and conduct an administrative hearing to determine whether Respondent's license to  
11 practice respiratory care should be disciplined pursuant to A.R.S. § 32-3552(E), in conjunction  
12 with A.R.S. § 32-3552(A).

13 3. The Board has the statutory authority to enter this Interim Order for Summary  
14 Suspension of License pursuant to A.R.S. §§ 41-1064(C) and 32-3553(E) and (I).

15 4. Based upon the evidence and information known to the Board regarding  
16 allegations set forth above in the paragraphs above, the Board finds that to protect the public's  
17 health, welfare or safety, it is necessary to invoke the Board's authority, pursuant to A.R.S. § 32-  
18 3553(E), to summarily suspend the license issued to Anthony Mangano to practice respiratory  
19 care in the State of Arizona.

20 5. Respondent's conduct as alleged, if subsequently established to be true after  
21 formal hearing, constitutes grounds for disciplinary action pursuant to violations of:

22 a. A.R.S. § 32-3552(A)(3) Commits an act of unprofessional conduct.

23 b. A.R.S. § 32-3501(9)(a) Committing a felony, whether or not involving  
24 moral turpitude, or a misdemeanor involving moral turpitude.

25 c. A.R.S. § 32-3501(9)(c) Illegal use of narcotic or hypnotic drugs or  
26 substances.

- 1 d. A.R.S. § 32-3501(9)(g) Immorality or misconduct that tends to discredit the  
2 respiratory therapy profession.
- 3 e. A.R.S. § 32-3501(9)(i) Any conduct or practice which is contrary to  
4 recognized standards of ethics of the respiratory therapy profession or any  
5 conduct or practice which does or might constitute a danger to the health, welfare  
6 or safety of the patient or the public.
- 7 f. A.R.S. § 32-3501(9)(j) Any conduct, practice or condition which does or  
8 might impair the person's ability to safely and skillfully practice respiratory  
9 therapy.
- 10 g. A.R.S. § 32-3501(9)(k) Violating or attempting to violate, directly or  
11 indirectly, or assisting in or abetting the violation of or conspiring to violate a  
12 provision of this chapter.
- 13 h. A.R.S. § 32-3501(9)(l) Failing to report to the board within ten calendar  
14 days an incident or incidents that appear to show the existence of a cause for  
15 disciplinary action or that a licensed respiratory care practitioner is or may be  
16 professionally incompetent or is or may be mentally or physically unable to  
17 engage safely in the practice of respiratory care.
- 18 i. A.R.S. § 32-3208(A) A health professional who has been charged with a  
19 misdemeanor involving conduct that may affect patient safety or a felony after  
20 receiving or renewing a license or certificate must notify the health professional's  
21 regulatory board in writing within ten working days after the charge is filed.
- 22 j. A.A.C. R4-45-214(6) Endangering a patient's or the public's physical or  
23 emotional health or safety or engaging in conduct or practice that may be  
24 reasonably expected to do so.
- 25 k. A.A.C. R4-45-214(17) Misrepresenting or omitting a facts on an  
26 application for employment as a respiratory care practitioner.

1 **ORDER**

2 **THEREFORE**, based upon the evidence and information known to the Board regarding  
3 the allegations set forth above, the Board finds that in order to protect the public health, welfare  
4 or safety, it is necessary to invoke the Board's authority, pursuant to A.R.S. § 32-3553 (E), to  
5 summarily suspend Respondent's license to practice respiratory care.

6 **IT IS HEREBY ORDERED** that License Number 000386, issued to and held by  
7 Anthony Mangano is hereby **SUMMARILY SUSPENDED** from the **PRACTICE OF**  
8 **RESPIRATORY CARE**, effective immediately upon issuance of this Order.

9 **NOTICE**

10 Pursuant to A.R.S. § 32-3553(E) the Respondent is entitled to a formal hearing before the  
11 Board on the charges within sixty (60) days. The Respondent shall be served with a written  
12 notice of complaint and formal hearing, setting forth the charges made against him as required by  
13 the operative statute and rule.

14 **ARIZONA STATE BOARD OF RESPIRATORY CARE**

15  
16 SEAL



17  
18 \_\_\_\_\_  
19 John Confer  
20 Executive Director

21 DATED THIS 23<sup>rd</sup> DAY OF APRIL, 2018.

22 Original Interim for Summary  
23 Suspension filed this 23<sup>rd</sup> day of  
24 April, 2018 with the:

25 Arizona Board of Respiratory Examiners  
1740 West Adams, #3406  
Phoenix, AZ 85007

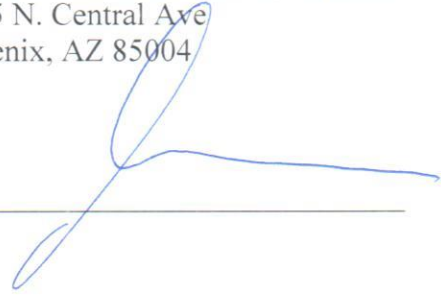
26 Copies of the foregoing sent by certified,  
regular and electronic mail this 23<sup>rd</sup> day  
of April, 2018 to:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Anthony Mangano  
Address on Record & Email

Copy of the foregoing sent by  
electronic mail this 23<sup>rd</sup>  
day of April, 2018 to:

Frankie Shinn-Eckberg, AAG  
Office of Arizona Attorney General  
2005 N. Central Ave  
Phoenix, AZ 85004

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to be 'Frankie Shinn-Eckberg'. The line extends from the left margin towards the center of the page.