## BEFORE THE ARIZONA STATE BOARD RESPIRATORY CARE EXAMINERS

RESPIRATORY CARE EXAMINERS	
In the Matter of:	) CASE NO. 2019-RCE-0287
DEBRA OSWALD, RCP Holder of License No. 005755  For the Practice of Respiratory Care In the State of Arizona	) ) () () () () () () () () () () () ()
Debra Oswald, RCP ("Respondent")	, did not appear before the Arizona State Board of
Respiratory Care Examiners ("Board") for a	Formal Administrative Hearing on Thursday, May
21, 2020. Seamus Monaghan, Assistant At	torney General, appeared on behalf of the State of
Arizona. Michael Raine, Assistant Attorney	y 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
adopted the following Findings of Fact, Conc	clusions of Law, and Order.
<u>FINDIN</u>	NGS OF FACT
1. The Arizona State Board of I	Respiratory Care Examiners is the duly constituted
agency for licensing and regulating of the pra	actice of respiratory care in the State of Arizona and
has jurisdiction over Respondent as a licens	ee of the Board and the subject matter pursuant to
A.R.S. § 32-3501, et seq.	
2. Respondent was the holder	of License Number 005755 which enabled her to
practice respiratory care in the State of Arizo	na, prior to this Order.
3. Respondent's license to prac	etice respiratory care was active until August 25,
2021, prior to this Order.	
4. On or about August 5, 2019	, Respondent timely submitted an application for

Education Audit pursuant to A.A.C. R4-45-208.

renewal of her respiratory care license.

5.

As part of the renewal process, the Board conducts a mandatory Continuing

- 6. Respondent timely replied to the Board's request for the Continuing Education Audit on or before the date specified in the audit notice and submitted 24 units of approved continuing education. However, Respondent was unable to produce documentation showing she had obtained four live units of approved continuing education as required by law and failed to demonstrate compliance with the continuing education requirement mandated for Respondent's last renewal period of August 14, 2017 to August 25, 2019.
- 7. On Respondent's application for renewal, Respondent falsely claimed she had obtained all twenty hours of continuing education required for renewal of his license.

## **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 (2) which states, "Procuring or attempting to procure by fraud or misrepresentation a license or renewal of a license to practice respiratory care."

## **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED THAT** License No. 005755 issued to Respondent shall be **REVOKED** on the effective date of this Order.

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as specified in A.R.S. § 32-3554 (A) and (B).

**NOTICE** 

reinstatement of her license for at least one calendar year from the issuance date of this Order,

IT IS FURTHER ORDERED that Respondent may not apply to the Board for

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.

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DATED THIS 22ND DAY OF MAY, 2020.

ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

By:

Jack Confer, Executive Director

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

Original Findings of Fact, Conclusions

Practice Respiratory Care filed this

22nd day of May, 2020 with the:

Of Law, and Order for Revocation of License to

Copy of the foregoing sent by Electronic, Certified and Regular mail this 22nd day of May, 2020 to:

Debra Oswald, RCP 3763 South Joshua Tree Lane Gilbert, Arizona 85297

1	Copy of the foregoing sent by electronic mail this 22nd day of May, 2020 to:
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3	Seamus Monaghan, Assistant Attorney General Office of Arizona Attorney General
4	2005 North Central Avenue, SGD/LES Phoenix, AZ 85004
5	Michael Raine, Assistant Attorney General
6	Office of Arizona Attorney General
7	2005 North Central Avenue Phoenix, AZ 85004
8	Independent Attorney Advisor
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