

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

3 In the Matter of:) **CASE NO. 2020-RCE-0071**
4)
4 **PARKER AUSTIN REED,**) **CONSENT AGREEMENT FOR**
Applicant) **FINDINGS OF FACT, CONCLUSIONS**
5) **OF LAW AND ORDER FOR ISSUANCE**
6 For the Practice of Respiratory Care) **OF LICENSE**
In the State of Arizona)
7 _____)

8 **CONSENT AGREEMENT**
9 **RECITALS**

10 In the interest of a prompt and judicious settlement of the above-captioned matter before
11 the Arizona State Board of Respiratory Care Examiners (“Board”), and in the interest of
12 protecting the people of the State of Arizona, consistent with the statutory requirements and
13 responsibilities of the Board pursuant to: A.R.S. §§ 32-3501, *et seq*, A.R.S. § 32-3523 (A)(4) and
14 A.R.S. § 41-1092.07 (F)(5), Parker A. Reed, RCP (“Respondent”), for licensure to practice
15 respiratory care in the State of Arizona, and the Board enter into the following Consent
16 Agreement for Findings of Fact, Conclusions of Law, and Order for Issuance of License to
Practice (“Consent Agreement”) as the final disposition of this matter.

17 1. Respondent has the right to consult with an attorney prior to entering into this
18 Consent Agreement. Respondent has read and understands this Consent Agreement as set forth
19 herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has
20 waived the opportunity. Respondent voluntarily agrees to accept and enter into this Consent
21 Agreement for the purpose of avoiding the expense and uncertainty of an administrative
22 hearing.

23 2. Respondent understands that he has a right to a public administrative hearing
24 concerning each and every allegation set forth in the above-captioned matter, at which time he
25 could present evidence and cross-examine witnesses. By entering into this Consent Agreement,
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1 Respondent freely and voluntarily relinquishes all rights to such an administrative hearing, as
2 well as all rights of rehearing, review, reconsideration, appeal, judicial review, or any other
3 administrative, and/or judicial action concerning the matters set forth herein. Respondent
4 affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to
5 this original document are ineffective and void unless mutually approved by the parties in
6 writing.

7 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
8 of this agreement under A.R.S. §§ 32-3552 and 32-3553. Respondent understands that the
9 Board may consider this Consent Agreement or any part of it in any future disciplinary action
10 against him.

11 4. Respondent understands that this Consent Agreement does not constitute a
12 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
13 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
14 regarding any other pending or future investigation, action, or proceeding.

15 5. All admissions Respondent makes in this Consent Agreement are made solely
16 for the final disposition of his application for licensure and case number 2020-RCE-0071 and
17 any related administrative proceedings or civil litigation involving the Board and Respondent.
18 Respondent acknowledges and agrees that the acceptance of this Consent Agreement is solely
19 to settle this Board matter and does not preclude the Board from instituting proceedings as may
20 be appropriate now or in the future. Furthermore, and notwithstanding any language in this
21 Consent Agreement, this Consent Agreement does not preclude in any way any other state
22 agency or officer or political subdivision of this state from instituting proceedings, investigating
23 claims, or taking legal action as may be appropriate now or in the future relating to this matter
24 or other matters concerning Respondent, including but not limited to, violations of Arizona's
25 Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this
26 Consent Agreement makes no representations, implied or otherwise, about the views or

1 intended actions of any other state agency or officer or political subdivision of the state relating
2 to this matter or other matters concerning Respondent.

3 6. Respondent acknowledges that it is the Board's position that if this matter
4 proceeded to formal hearing, the Board could likely establish sufficient evidence to support a
5 conclusion that certain of Respondent's conduct constituted unprofessional conduct under
6 A.R.S. § 32-3552 and may constitute grounds for denial of a license. Therefore, Respondent has
7 agreed to enter into this Consent Agreement as an economical and practical means of resolving
8 the issues associated with the application investigation.

9 7. The Consent Agreement shall be subject to approval by the Board and shall be
10 effective only when signed by the Executive Director and accepted by the Board. In the event
11 that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no
12 evidentiary value and shall not be relied upon nor introduced in any action by any party. The
13 parties agree that if the Board rejects this Consent Agreement and this case proceeds to hearing,
14 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of
15 this document or any other records relating thereto.

16 8.

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

19 9. Respondent understands that any violation of this Consent Agreement could be
20 grounds for further disciplinary action by the Board pursuant to A.A.C. R4-45-214(3).

21 **FINDINGS OF FACT**

22 1. The Board is the duly constituted agency for licensing and regulating of the
23 practice of respiratory care in the State of Arizona and has jurisdiction over Respondent and the
24 subject matter pursuant to A.R.S. § 32-3501, *et seq.*

25 2. Respondent has held one (1) previous license to practice respiratory care with this
26 Board, which had been previously sanctioned, disciplined and ultimately summarily suspended.

1 a. License Number 010812 which was issued on February 21, 2013 and
2 Summarily Suspended January 10, 2017.

3 3. On Respondent's 2014 renewal application, he disclosed a substance abuse issue
4 and an arrest for driving under the influence. In April 2015, Respondent entered into a Consent
5 Agreement for Non-Disciplinary Rehabilitative Probation with the Board, which placed
6 Respondent on Probation for three years and required compliance with certain terms related to a
7 standard rehabilitation agreement.

8 4 In May 2016, the Board received information that Respondent was in violation of
9 the Order and had failed to timely comply with the Board's requests, pursuant to the terms of the
10 Order.

11 5. In August 2016, the Board reinstated the terms of Respondent's original Probation
12 under an Amended Consent Agreement for Non-Disciplinary Rehabilitative Probation.

13 6. On or about January 4, 2017, Respondent submitted a body fluid sample in
14 response to the Board's request for a mandatory and random drug test. The sample was rejected
15 by the lab, as it was not within temperature and not consistent with natural urine. Respondent
16 departed the lab without submitting an observed, acceptable sample for testing, as requested.

17 7. The Board held a Special Board Meeting on January 10, 2017 to discuss these
18 allegations and found that protection of the public health, safety or welfare imperatively required
19 emergency action due to the egregious nature of Respondent's conduct and the concern that
20 Respondent's continued practice as a respiratory therapist at this time might endanger the public
21 health, safety, or welfare. The Board voted to summarily suspend Respondent's license, pending
22 a formal administrative hearing on these allegations.

23 8. On March 26, 2020, Respondent applied to this Board for a new license to
24 practice respiratory care in the State of Arizona. As part of the application review process,
25 Respondent disclosed all previous action(s) in his licensing history. [Including a new arrest for
26 DUI that occurred in 2018] In addition, the Respondent explained his rehabilitation since his

1 suspension and expressed a desire to obtain his license and complete the terms outlined in his
2 previous probation.

3 **CONCLUSIONS OF LAW**

4 1. The conduct described in the Findings of Fact constitute grounds for disciplinary
5 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(10)(i)
6 which states, “Any conduct or practice which is contrary to recognized standards of ethics of the
7 respiratory therapy profession or any conduct or practice which does or might constitute a danger
8 to the health, welfare or safety of the patient or the public.”

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13 DATED: 05/29/2020

SIGNED: 
Parker A. Reed, RCP

14
15 **ORDER**

16 Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS**
17 **HEREBY ORDERED THAT** Parker A. Reed, applicant for licensure shall be granted
18 licensure upon entering and complying with this consent agreement and its terms:

19 1. Respondent’s license will be placed on **PROBATION** for a period of three (3)
20 years, subject to the following terms and conditions:

21 a. **Mandatory and Random Drug Testing.** Respondent shall comply
22 immediately (within 2 hours) with telephonic, electronic, or in person
23 requests from the Board, or its agents or designees, to submit to witnessed
24 random biological fluid collection for mandatory and random drug testing.

25 The Board may, at its discretion, request these tests weekly (not to exceed
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1 four requests per month) during the first six (6) months of this Order. These
2 tests must be, at a minimum, a 10-Panel that includes ethylglucaronide
3 alcohol screening. And Respondent shall authorize any person or
4 organization conducting tests on these collected samples to provide testing
5 results to the Board. Failure to provide and/or update contact information for
6 mandatory testing is a violation of this order. In addition, any occurrence of
7 the following conditions constitutes noncompliance with this Consent
8 Agreement: a positive drug test showing evidence of any drug other than an
9 authorized drug; submission of a specimen where the integrity has been
10 compromised, as indicated by the presence of adulterants; an abnormal result
11 for low creatinine level; and submission of a urine sample that is below the
12 acceptable volume or temperature to be tested. A positive drug test showing
13 evidence of any drug other than an authorized drug may result in summary
14 suspension of Respondent's license. Failure to submit to a drug test on a day
15 when a test has been required by the Board, its agents or designees, or the
16 laboratory may be considered a positive result and may also result in
17 summary suspension of Respondent's license.

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20 b. **Abstain from Alcohol; Unauthorized Drug Use/Proof of Prescription.**

21 Respondent shall not ingest or take any alcohol, or products containing
22 alcohol. Respondent shall not ingest or take any drugs or medications
23 whatsoever (except for plain aspirin and/or plain acetaminophen), whether
24 controlled substances, prescription-only drugs or over-the-counter
25 preparations, unless such drug or medication was prescribed for him by her
26 treating physician. Respondent must have a current prescription for any

1 prescription-only drugs or over-the-counter preparations taken. Respondent
2 shall provide a copy of all mood-altering or controlled substance
3 prescriptions written for the Respondent **within 72 hours after the**
4 **prescription has been filled.** Further Respondent shall provide the Board
5 office with prescription information relating to dosage and frequency within
6 72 hours.

7 c. **Employer Notification.** Respondent shall inform current, and any future,
8 employer(s) of this Order. Respondent shall immediately provide current
9 employer(s) with a copy of this Order, and any future employer(s) with a
10 copy of this Order at time of application. Respondent shall cause employer(s)
11 to notify the Board, via email or facsimile, when the employer(s) receive a
12 copy of this Order.

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14 d. **Quarterly Reports from Employer.** Respondent shall cause employer(s) to
15 file reports with the Board on work performance. These reports must be
16 received by the 15th day of: March, June, September and December

17 e. **Release of Information Forms.** Respondent shall sign all release of
18 information forms as required by the Board or its designee and return them
19 to the Board within 10 days of the Board's written request. If Respondent
20 fails to execute the releases, license holder may be subject to disciplinary
21 action.

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23 f. **Quarterly Interviews with the Board or Its Designee.** Respondent shall
24 appear in person or if residing out of state, telephonically for interviews with
25 the Board or its designee upon request and reasonable notice.

26 g. **Change of Employment; Personal Address; Telephone Number; Email**

1 **Address.** Respondent shall notify the Board, in writing, immediately, via
2 facsimile, email, or personal delivery of letter, of any change in employment,
3 personal address, telephone number, or email address.

4 h. **Obey all Laws.** Respondent shall obey all federal, state and local laws,
5 and all laws/rules governing the practice of respiratory care in this state.
6 Offenses or convictions such as driving under the influence may subject
7 Respondent to further disciplinary action. Minor civil traffic violations are
8 excluded.

9 i. **Costs.** Respondent shall bear all costs of complying with this Order.

10 j. **Renewal of License.** In the event the license is scheduled to expire during
11 the duration of this Order, Respondent shall apply for renewal of the license
12 and pay the applicable fee before the expiration date. Failure to renew
13 within seven days of the effective date of this Order, if it is expired; or
14 failure to renew a license by the scheduled expiration date; shall be
15 considered as noncompliance and may be subject Respondent to further
16 disciplinary action.

17 k. **Duration.** This Order shall remain effective for three (3) years from the
18 effective date; and, after one (1) year, Respondent may apply to the Board to
19 seek modification of the Probation upon showing satisfactory compliance
20 with the Order during the period of probation

21 l. **Violation of Probation.** If Respondent is noncompliant with this Consent
22 Agreement in any respect, the Board may revoke Probation and take further
23 disciplinary action after affording Respondent notice and an opportunity to
24 be heard. If a complaint concerning noncompliance with this Consent
25 Agreement is filed against Respondent during the period of Probation, the
26 Board shall have continuing jurisdiction until the matter is final and the

1 period of Probation shall be extended until the matter is final.

2 m. **Voluntary Surrender of License.** Respondent may, at any time this Consent
3 Agreement is in effect, voluntarily surrender her license with the
4 understanding that the same will be treated and considered as a revocation of
5 the license by the Board.



7 DATED THIS 1ST DAY OF JUNE 2020.
8 **ARIZONA STATE BOARD OF RESPIRATORY CARE**

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12 Jack Confer
13 Executive Director

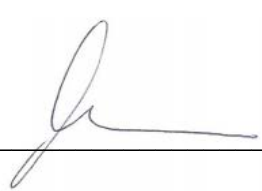
14 Original Consent Agreement for
15 Suspension and Probation
16 filed this 1st day of June 2020 with the:

17
18 Arizona Board of Respiratory Examiners
19 1740 West Adams Street, #3406
20 Phoenix, AZ 85007

21 Copy of the foregoing sent by electronic,
22 regular and certified mail this 1st day
23 of June 2020 to:

24 Parker A. Reed
25 Address on Record

26 Copy of the foregoing sent via electronic
mail this 1st day of June 2020 to:



21 Seamus Monaghan, AAG
22 Office of the Attorney General
23 2005 North Central Avenue, SGD/LES
24 Phoenix, AZ 85007