

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

In the Matter of:)	CASE NO. 2018-RCE-0025
)	
CHELSEA M. RODRIGUEZ, RCP)	
Holder of License No. 009175)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
For the Practice of Respiratory Care)	ORDER FOR REVOCATION
In the State of Arizona)	
)	

Chelsea M. Rodriguez, RCP (“Respondent”), did not appear before the Arizona State Board of Respiratory Care Examiners (“Board”) for a Formal Administrative Hearing on Thursday, July 19, 2018. Frankie Shinn-Eckberg, Assistant Attorney General, appeared on behalf of the State of Arizona. Mary D. 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 adopted the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Arizona State Board of Respiratory Care Examiners is the duly constituted authority for licensing and regulating the practice of respiratory care in the State of Arizona pursuant to A.R.S. § 32-3501, *et seq.*
2. Chelsea M. Rodriguez, RCP is the holder of License Number 009175 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 March 18, 2010 and Respondent’s license to practice respiratory care was active until July 25, 2019 prior to this Order.
4. Under A.R.S. § 32-3501, *et seq.*, the Board possesses jurisdiction over the subject matter and over Respondent as a licensee of the Board.

1 5. On May 29, 2018, the Board received information from Respondent's employer,
2 Honor Health – Scottsdale Healthcare, that Respondent had been terminated from employment
3 on May 22, 2018 for violating hospital policy HR1333 – Substance Abuse.

4 6. On May 6, 2018, Respondent began her shift at 1823. At 2032, Respondent
5 notified RCP Sherrie Toledo that she was taking a 30 minute lunch and would be forwarding her
6 calls to RCP Toledo. RCP Amy Acuna was asked to assist RCP Toledo while Respondent was at
7 lunch. Approximately one hour later, RCP Acuna contacted RCP Toledo about Respondent's
8 whereabouts. RCP Toledo responded that Respondent had not returned from lunch and that calls
9 were still being forwarded to RCP Toledo. Concerned, RCP Acuna went to look for
10 Respondent's vehicle and could not locate it. RCP Acuna reported Respondent's absence to
11 Nursing Administrator Wynema McElveen. Multiple attempts to contact Respondent via her
12 work phone and personal phone were made unsuccessfully. Nursing Administrator McElveen
13 contacted Director Abbie Woolstenhulme and Joe Villa from hospital security.

14 7. Mr. Villa notified Nursing Administrator McElveen that hospital security was
15 familiar with Respondent, her vehicle, and her parking habits due to a prior request from Nursing
16 Administrator Cindy Sackett to monitor Respondent's whereabouts, as Respondent was reported
17 to disappear for "hours at a time." Mr. Villa was asked to canvas the perimeter of the building
18 but was unsuccessful at locating Respondent or her vehicle. During this time, 2EC nursing staff
19 had also contacted Nursing Administrator McElveen to report Respondent missing. Respondent
20 finally attempted to contact RCP Toledo at 2322. RCP Toledo was unavailable for RCP Acuna
21 answered and told Respondent Nursing Administrator McElveen wanted to see her.

22 8. At 2322, Director Woolstenhulme called Respondent's personal cell and noted
23 that Respondent sounded confused and out of sorts and did not understand the situation.
24 Respondent met with Nursing Administrator McElveen and Nicole Bagnoli shortly thereafter
25 and claimed she had only been gone for a short while and had been working in 2EC. Nursing
26 Administrator McElveen notified Respondent that 2EC nursing staff had called looking for her.
Respondent could not verbalize a reasonable explanation of where she had been for nearly three

1 hours and did not notify her director or any other employee of her extended absence. Universal
2 Background was contacted to conduct a for-cause drug screen. Respondent consented to a for-
3 cause drug screen, which was conducted at approximately 0020 on May 7, 2018.

4 9. Respondent was told she could not drive herself home and Administrator
5 McElveen called Yellow Cab to pick Respondent up.

6 10. The Medical Review Officer Verification form from May 21, 2018 showed
7 Respondent subsequently tested positive for cocaine and was terminated from her employment
8 for violation of hospital policy on May 22, 2018.

9 11. The Board reviewed the preliminary investigative materials and based on the
10 findings, the Board was concerned that Respondent's continued practice as a respiratory therapist
11 at this time might endanger the public health, safety, or welfare.

12 12. The Board discussed these allegations at a Special Board Meeting on June 7, 2018
13 and found that the protection of the public health, safety or welfare imperatively required
14 emergency action due to the egregious nature of Respondent's conduct and the potential harm to
15 the public's health, safety or welfare.

16 CONCLUSIONS OF LAW

17 1. The conduct described in the Findings of Fact constitute grounds for disciplinary
18 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(c),
19 which states, "Illegal use of narcotics or hypnotic drugs or substances."

20 2. The conduct described in the Findings of Fact constitute grounds for disciplinary
21 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(g),
22 which states, "Immorality or misconduct that tends to discredit the respiratory therapy
23 profession."

24 3. The conduct described in the Findings of Fact constitute grounds for disciplinary
25 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(i),
26 which states, "Any conduct or practice which is contrary to recognized standards of ethics of the

1 respiratory therapy profession or any conduct or practice which does or might constitute a danger
2 to the health, welfare or safety of the patient or the public.”

3 4. The conduct described in the Findings of Fact constitute grounds for disciplinary
4 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(j),
5 which states, “Any conduct, practice, or condition which does or might impair the person’s
6 ability to safely and skillfully practice respiratory therapy.”

7 5. The conduct described in the Findings of Fact constitute grounds for disciplinary
8 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(k),
9 which states, “Violating or attempting to violate, directly or indirectly, or assisting in or abetting
10 the violation of or conspiring to violate a provision of this chapter.”

11 6. The conduct described in the Findings of Fact constitute grounds for disciplinary
12 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(l),
13 which states, “Failing to report to the board within ten calendar days an incident or incidents that
14 appear to show the existence of a cause for disciplinary action or that a licensed respiratory care
15 practitioner is or may be professionally incompetent or is or may be mentally or physically
16 unable to engage safely in the practice of respiratory care.”

17 7. The conduct described in the Findings of Fact constitute grounds for disciplinary
18 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (1),
19 which states, “Engaging in the practice of respiratory care in a manner that harms or may harm a
20 patient or that the Board determines falls below the community standard.”

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

25 9. The conduct described in the Findings of Fact constitute grounds for disciplinary
26 action pursuant to A.R.S. §§ 32-3552(A) (3) and violate the provisions of A.A.C. R4-45-214

1 (10), which states, "Abandoning or neglecting a patient, including leaving a respiratory therapy
2 assignment before properly advising supervisory personnel."

3 10. The conduct described in the Findings of Fact constitute grounds for disciplinary
4 action pursuant to A.R.S. §§ 32-3552(A) (3) and violate the provisions of A.A.C. R4-45-214
5 (12), which states, "Using or being under the influence of alcohol, illegal drugs or substances, or
6 drugs or substances that impair judgment, while on duty in any health care work location."

7 **ORDER**

8 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
9 **ORDERED THAT** License No. 009175 issued to Chelsea M. Rodriguez shall be **REVOKED**
10 on the effective date of this Order.

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

14 **NOTICE**

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



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23 DATED THIS 25th DAY OF JULY, 2018.

24 ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

25 By: _____
26 Jack Confer, Executive Director

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Original Findings of Fact, Conclusions
Of Law, and Order for Revocation of License to
Practice Respiratory Care filed this
20th day July, 2018 with the:

Arizona Board of Respiratory Examiners
1400 West Washington Street, Suite 200
Phoenix, Arizona 85007

Copy of the foregoing send by Electronic,
Certified and Regular mail this 20th day
of July, 2018 to:

Chelsea M. Rodriguez
Address of Record

Copy of the foregoing sent by inter-
Agency mail this 20th day of July, 2018 to:

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