## BEFORE THE ARIZONA STATE BOARD RESPIRATORY CARE EXAMINERS

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In the Matter of:

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**THOMAS MARTIN, RCP** Holder of License No. **010023** 

For the Practice of Respiratory Care In the State of Arizona

#### CASE NO. 2019-RCE-0258

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR REVOCATION

Thomas Martin, RCP ("Respondent"), did not appear before the Arizona State Board of
Respiratory Care Examiners ("Board") for a Formal Administrative Hearing on Thursday,
January 16, 2020. Marc Harris, Assistant Attorney General, appeared on behalf of the State of
Arizona. Mary 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**

15 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.*

19 2. Respondent was the holder of License Number 010023 which enabled him to
20 practice respiratory care in the State of Arizona, prior to this Order.

21 3. Respondent's license to practice respiratory care was active until July 8, 2021,
22 prior to this Order.

4. On or about June 3, 2019, Respondent timely submitted an application for
renewal of his respiratory care license.

25 5. As part of the renewal process, the Board conducts a mandatory Continuing
26 Education Audit pursuant to A.A.C. R4-45-208.

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6. Respondent did not respond to the Board's request for the Continuing Education Audit on or before the date specified in the audit notice and submitted zero units of approved continuing education. Respondent was unable to produce documentation showing he had obtained twenty 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 July 7, 2017 to July 8, 2019.

7. On Respondent's application for renewal, Respondent falsely claimed he 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. R4-45214 (2) which states, "Procuring or attempting to procure by fraud or misrepresentation a license
or renewal of a license to practice respiratory care."

4. 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. R4-45214 (5), which states, "Falsely claiming attendance at an approved continuing education to
meeting license renewal requirements."

5. 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 (6), which states, "Endangering a patient's or the public's physical or emotional health or safety or engaging in conduct or practice that may reasonably be expected to do so."

## <u>ORDER</u>

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED THAT** License No. 010023 issued to Respondent shall be **REVOKED** on the effective date of this Order.

**IT IS FURTHER ORDERED** that Respondent may not apply to the Board for reinstatement of his 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).

# **NOTICE**

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 <u>at the Board's office</u> by that date has the effect of prohibiting you from seeking judicial review of the Board's decision.

DATED THIS 27<sup>TH</sup> DAY OF JANUARY, 2020.

ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

By:

Jack Confer, Executive Director

1 2	Original Findings of Fact, Conclusions Of Law, and Order for Revocation of License to Practice Respiratory Care filed this 27 <sup>th</sup> day of January, 2020 with the:
3 4	Arizona Board of Respiratory Examiners 1740 West Adams Street, Suite 3406 Phoenix, Arizona 85007
5 6	Copy of the foregoing sent by Electronic, Certified and Regular mail this 27 <sup>th</sup> day of January, 2020 to:
7 8	Thomas Martin, RCP 47391 West Portobello Road Maricopa, Arizona 85139
9 10	Copy of the foregoing sent by inter- Agency mail this 27 <sup>th</sup> day of January, 2020 to:
11	Seamus Monaghan, Assistant Attorney General Office of Arizona Attorney General
12	2005 North Central Avenue, SGD/LES Phoenix, AZ 85004
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14	Mary D. Williams, Assistant Attorney General Office of Arizona Attorney General
15	2005 North Central Avenue Phoenix, AZ 85004
16	Independent Attorney Advisor
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