BEFORE THE ARIZONA STATE BOARD RESPIRATORY CARE EXAMINERS

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'	In the Matter of:
	KAREN WARNER, RCP Holder of License No. 008713
	For the Practice of Respiratory Care In the State of Arizona

CASE NO. 2018-RCE-0078

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

Karen Warner, RCP ("Respondent"), did not appear before the Arizona State Board of Respiratory Care Examiners ("Board") for a Formal Administrative Hearing on Thursday, June 20, 2019. Frankie Shinn-Eckberg, 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

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.*

2. Karen Warner, RCP ("Respondent"), was the holder of License Number 008713 which enabled her to practice respiratory care in the State of Arizona prior to this Order.

Respondent's license to practice respiratory care was originally issued on August
 28, 2008 and would have expired on February 4, 2020 prior to this Order.

4. On April 9, 2019, the Board received information from Respondent's employer, Northwest Medical Center, that Respondent had tested positive for an illicit substance during a mandatory and random drug screen performed on March 11, 2019.

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S. On April 12, 2019, Respondent's employer provided results of the drug screen,
 which showed Respondent had tested positive for methamphetamines during the random drug
 screen in March.

6. Ellen Steele, BSN Manager Employee Health, provided the following statement
regarding the specimen collection in March: "PJ found the small warmer on the floor after Karen
had left the bathroom after giving her first sample. The 1st sample was slightly warm barely
registering on the scale, she had the hand warmer. The 2nd sample showed no temperature
change, it was not warm; she no longer had the hand warmer. We have both fake urine samples,
we have the blood sample."

10 7. According to the test results from March, the urine sample was rejected for testing
11 due to the specimen temperature not being within reference range at time of collection and the
12 blood sample was accepted for processing and resulted in a positive test for methamphetamines.

13 8. Respondent's history with the Board includes a February 7, 2005 revocation order
14 for license number 1451 regarding an issue of patient abandonment and an August 27, 2008 non15 disciplinary rehabilitative probation order for license number 8713 regarding a self-disclosure of
16 past methamphetamine abuse.

9. The Board discussed these allegations at its Regular Board Meeting on April 18,
2019 and summarily suspended Respondent's license after it found that the protection of the
public health, safety or welfare imperatively required emergency action due to the egregious
nature of Respondent's conduct and the potential harm to the public's health, safety or welfare.

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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) (3) and violate the provisions of A.R.S. § 32-3501(9)(c)
which states, "Illegal use of narcotic or hypnotic drugs or substances."

25 2. 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.R.S. § 32-3501(9)(g)

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1 which states, "Immorality or misconduct that tends to discredit the respiratory therapy
2 profession."

3 3. The conduct described in the Findings of Fact constitute grounds for disciplinary
action pursuant to A.R.S. §§ 32-3552(A)(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."

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

5. The conduct described in the Findings of Fact constitute grounds for disciplinary
action pursuant to A.R.S. §§ 32-3552(A)(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."

16 6. The conduct described in the Findings of Fact constitute grounds for disciplinary
17 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(1)
18 which states, "Failing to report to the board within ten calendar days an incident or incidents that
19 appear to show the existence of a cause for disciplinary action or that a licensed respiratory care
20 practitioner is or may be professionally incompetent or is or may be mentally or physically
21 unable to engage safely in the practice of respiratory care."

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

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The conduct described in the Findings of Fact constitute grounds for disciplinary

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1 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (6), 2 which states, "Endangering a patient's or the public's physical or emotional health or safety or 3 engaging in conduct or practice that may reasonably be expected to do so."

4 9. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (12), 6 which states, "Using or being under the influence of alcohol, illegal drugs or substances, or drugs 7 or substances that impair judgment, while on duty in any health care work location."

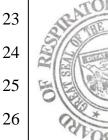
ORDER

9 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY 10 **ORDERED THAT** License No. 008713 issued to Karen Walker shall be **REVOKED** on the 11 effective date of this Order.

IT IS FURTHER ORDERED that Karen Walker may not apply to the Board for reinstatement of her 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

16 In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you 17 are required to exhaust your administrative remedies by filing a motion for rehearing or review 18 of the Board's decision within thirty-five days after these Findings of Fact, Conclusions of Law, 19 and Order are mailed to you at your last known address, or thirty days after they are personally 20 served upon you. Pursuant to A.R.S. § 41-1092.09(B), you are notified that failure to file a 21 motion for rehearing or review in writing at the Board's office by that date has the effect of 22 prohibiting you from seeking judicial review of the Board's decision.



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DATED THIS 21ST DAY OF JUNE, 2019.

ARIZONA STATE BOARD OF RESPIRATORY CARE
EXAMINEF
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By:

Jack Confer, Executive Director

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2	Original Findings of Fact, Conclusions
3	of Law, and Order for Revocation of License to Practice Respiratory Care filed this
4	21 st day June, 2019 with the:
5	Arizona Board of Respiratory Examiners 1740 West Adams Street, Suite 3406
6	Phoenix, Arizona 85007
7	Copy of the foregoing send by Electronic, certified and Regular mail this 21 st day
8	of June, 2019 to:
9	Karen Walker Address of Record
10	Copy of the foregoing sent by electronic
11	mail this 21 st day of June, 2019 to:
12	Frankie Shinn-Eckberg, Assistant Attorney General Office of Arizona Attorney General
13	2005 North Central Avenue Phoenix, AZ 85004
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15	Mary D. Williams, Assistant Attorney General Office of Arizona Attorney General
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