

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

3 In the Matter of: ) **CASE NO. 2018-RCE-0085**  
4 )  
5 **LATASHA MURRAY (FLICKINGER) RCP** ) **CONSENT AGREEMENT FOR**  
6 **Holder of License No. 007100** ) **NON-DISCIPLINARY CIVIL**  
7 ) **PENALTY**  
8 Or the Practice of Respiratory Care )  
9 In the State of Arizona )

10 **CONSENT AGREEMENT**  
11 **RECITALS**

12 In the interest of a prompt and judicious settlement of the above-captioned matter before  
13 the Arizona State Board of Respiratory Care Examiners ("Board") and in the interest of  
14 protecting the people of the State of Arizona, consistent with the statutory requirements and  
15 responsibilities of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07  
16 (F)(5), Latasha Murray (Flickinger), RCP ("Respondent"), holder of license number 07100 to  
17 practice respiratory care in the State of Arizona, and the Board enter into the following Consent  
18 Agreement for Non-Disciplinary Civil Penalty ("Consent Agreement") as the final disposition of  
19 this matter.

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

25 2. Respondent understands that she has a right to a public administrative hearing  
26 concerning each and every allegation set forth in the above-captioned matter, at which time  
Respondent could present evidence and cross-examine witnesses. By entering into this Consent  
Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative  
hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or  
any other administrative, and/or judicial action concerning the matters set forth herein.

1 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and  
2 any modifications to this original document are ineffective and void unless mutually approved  
3 by the parties in writing.

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

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

12 5. All admissions Respondent makes in this Consent Agreement are made solely  
13 for the final disposition of case numbers 2019-RCE-0085, and any related administrative  
14 proceedings or civil litigation involving the Board and Respondent. Respondent further  
15 understands that acceptance of the Consent Agreement does not preclude any other agency,  
16 subdivision, or officer of this state from instituting other civil or criminal proceedings with  
17 respect to the conduct that is the subject of this Consent Agreement.

18 6. The Consent Agreement shall be subject to adoption by the Board and shall be  
19 effective only when signed by the Chairperson of the Board or the Executive Director of the  
20 Board, on behalf of the Chair. In the event that the Board does not adopt this Consent  
21 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
22 introduced in any action by any party. The parties agree that if the Board rejects this Consent  
23 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board  
24 was prejudiced by its review and discussion of this document or any other records relating  
25 thereto.

26 7. Respondent understands that this Consent Agreement is a public record that may

1 be publicly disseminated as a formal action of the Board.

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

4 **FINDINGS OF FACT**

5 1. The Arizona State Board of Respiratory Care Examiners is the duly constituted  
6 agency for licensing and regulating of the practice of respiratory care in the State of Arizona  
7 pursuant to A.R.S. § 32-3501, *et seq.*

8 2. Latasha Murray (Flickinger), RCP (“Respondent”), is the holder of License  
9 Number 007100 which enables her to practice respiratory care in the State of Arizona.

10 3. Respondent’s license to practice respiratory care was originally issued in 2005  
11 and expires on July 30, 2019.

12 4. Under A.R.S. § 32-3501, *et seq.*, the Board possesses jurisdiction over the subject  
13 matter and over Respondent as a licensee of the Board.

14 5. Respondent allowed her license to expire on July 30, 2017. Respondent  
15 submitted a late renewal application on September 27, 2017. On her Affidavit Respondent self-  
16 disclosed that she had practiced respiratory care without the benefit of holding an active and  
17 valid license.

18 **CONCLUSIONS OF LAW**

19 1. The conduct described in the Findings of Fact constitute grounds for disciplinary  
20 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-  
21 3501(10)(i) which states, “Any conduct or practice which is contrary to recognized standards of  
22 ethics of the respiratory therapy profession or any conduct or practice which does or might  
23 constitute a danger to the health, welfare or safety of the patient or the public.”

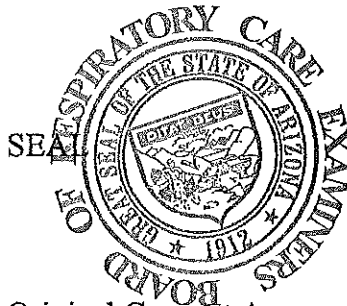
24 2. The conduct described in the Findings of Fact constitute grounds for disciplinary  
25 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-  
26

1 3501(10)(k), which states, "Violating or attempting to violate, directly or indirectly, or assisting  
2 in or abetting the violation of or conspiring to violate a provision of this chapter."

3  
4  
5 DATED: July 15, 2019 SIGNED: Latasha Murray (Flickinger)  
Latasha Murray (Flickinger), RCP

6 **ORDER**

7 **IT IS HEREBY ORDERED THAT** Latasha Murray (Flickinger), RCP, holder of  
8 license number 007100, shall be assessed a **CIVIL PENALTY** in the amount of **SIX**  
9 **HUNDRED AND 00/100 DOLLARS (\$600.00)**. This Civil Penalty shall be paid to the Arizona  
10 State Board of Respiratory Care Examiners by no later than **NINETY (90) DAYS** from the  
11 effective date of this Order.



12 ARIZONA STATE BOARD OF RESPIRATORY CARE

13  
14 \_\_\_\_\_  
15 Jack Confer, Executive Director

DATED THIS 16<sup>th</sup> DAY OF JULY 2019.

16 Original Consent Agreement for  
17 Non-Disciplinary Civil Penalty  
18 filed this 16<sup>th</sup> day of JULY 2019 with the:

19 Arizona Board of Respiratory Examiners  
20 1740 West Adams Street, Suite 3406  
21 Phoenix, AZ 85007

22 Copy of the foregoing sent by electronic,  
23 Regular and certified mail this 16<sup>th</sup>  
24 day of JULY 2019 to:

25 Latasha Murray (Flickinger), RCP  
26 Address on Record