

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

3 In the Matter of:) **CASE NO. 2018-RCE-0070**
4)
4 **KELLY HANDORF, RCP**) **FINDINGS OF FACT, CONCLUSIONS**
Holder of License No. **007184**) **OF LAW, AND NON-DISCIPLINARY**
5) **ORDER**
6 For the Practice of Respiratory Care)
In the State of Arizona)
7 _____)

8 Kelly Handorf, RCP (“Respondent”) appeared before the Arizona Board of Respiratory
9 Care Examiners (“Board”) for an informal interview on Thursday, March 21, 2019. Following
10 the testimony of the witness and presentation of evidence, the Board issued the following Order.

11 **FINDINGS OF FACT**

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

15 2. Kelly Handorf, RCP (“Respondent”), is the holder of License Number 007184
16 which enables her to practice respiratory care in the State of Arizona.

17 3. Respondent’s license to practice respiratory care was issued on March 16, 2006
18 and expires on January 19, 2020.

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

21 5. On October 2, 2018, Respondent was terminated from her place of employment at
22 Honor Health for violating Honor Health Policy AD1501. Specifically, on September 28, 2018,
23 Respondent violated the federal Health Insurance Portability and Accountability Act (“HIPAA”)
24 by posting a patient radiograph and comments about the patient’s location, medical status, and
25 family on a private social media page without authorization and after receiving training on the
26 subject of HIPAA and patient privacy on August 20 and September 3, 2018.

CONCLUSIONS OF LAW

1
2 1. The conduct described in the Findings of Fact constitutes grounds for disciplinary
3 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(g),
4 which states, “Immorality or misconduct that tends to discredit the respiratory therapy
5 profession.”

6 2. The conduct described in the Findings of Fact constitutes grounds for disciplinary
7 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(i),
8 which states, “Any conduct or practice which is contrary to the recognized standards of ethics of
9 the respiratory therapy profession or any conduct or practice which does or might constitute a
10 danger to the health, welfare or safety of the patient or the public.”

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

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

19 5. The conduct described in the Findings of Fact constitutes grounds for disciplinary
20 action pursuant to A.R.S. § 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (15),
21 which states, “Violating the confidentiality of information concerning a patient.”

22 6. The conduct described in the Findings of Fact constitutes grounds for disciplinary
23 action pursuant to A.R.S. § 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (19),
24 which states, “Using, removing, or possessing property that belongs to an individual or entity
25 without authorization.”
26

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
3 **ORDERED THAT** Kelly Handorf, RCP, holder of License Number 007184, shall take and
4 complete at least six (6) total hours of pre-approved **CONTINUING EDUCATION UNITS**
5 (“CEU”) in the areas of 1) HIPAA and 2) ethics. Respondent shall complete a minimum of
6 three (3) hours in each area. Respondent shall complete the ordered CEU within ninety (90)
7 days from the effective date of this Order. These CEU cannot have been completed prior to pre-
8 approval and the date of this Order and shall be in addition to the twenty (20) hours required by
9 the Board for license renewal. Respondent bears all costs associated with complying with the
10 terms of this Order.

11 **NOTICE**

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

19 DATED THIS 22ND DAY OF MARCH, 2019.



ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

24 By: _____
25 Jack Confer, Executive Director
26

Original Findings of Fact,
Conclusions of Law and Non-
Disciplinary Order filed this
22nd day March, 2019 with the:

1 Arizona Board of Respiratory Examiners
2 1740 West Adams Street, Suite 3406
3 Phoenix, Arizona 85007

4 Copy of the foregoing send by Electronic,
5 Certified and Regular mail this 22nd day
6 Of March, 2019 to:

7 Kelly Handorf
8 Address of Record

9 Copy of the forgoing sent by electronic mail
10 this 22nd day of March 2019 to:

11 Frankie Shinn-Eckberg
12 Assistant Attorney General

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