

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

In the Matter of:	)	<b>CASE NO. C003789-18-010169</b>
	)	
<b>ADAM KIENLEN, RCP</b>	)	
Holder of License No. <b>010169</b>	)	<b>CONSENT AGREEMENT</b>
	)	<b>FOR NON-DISCIPLINARY</b>
For the Practice of Respiratory Care	)	<b>CIVIL PENALTY</b>
In the State of Arizona	)	
	)	

**CONSENT AGREEMENT**

**RECITALS**

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Respiratory Care Examiners ("Board") and in the interest of protecting the people of the State of Arizona, consistent with the statutory requirements and responsibilities of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Adam Kienlen, RCP ("Respondent"), holder of license number 010169 to practice respiratory care in the State of Arizona, and the Board enter into the following Consent Agreement for Findings of Fact, Conclusions of Law, and Non-Disciplinary Order for Civil Penalty ("Consent Agreement") as the final disposition of this matter.

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

2. Respondent understands that he has a right to a public administrative hearing 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

1 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or any  
2 other administrative, and/or judicial action concerning the matters set forth herein. Respondent  
3 affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to  
4 this original document are ineffective and void unless mutually approved by the parties in writing.

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

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

13 5. All admissions Respondent makes in this Consent Agreement are made solely for  
14 the final disposition of case number C003789-18-010169, and any related administrative  
15 proceedings or civil litigation involving the Board and Respondent. Respondent further  
16 understands that acceptance of the Consent Agreement does not preclude any other agency,  
17 subdivision, or officer of this state from instituting other civil or criminal proceedings with  
18 respect to the conduct that is the subject of this Consent Agreement.

19 6. The Consent Agreement shall be subject to adoption by the Board and shall be  
20 effective only when signed by the Chairperson of the Board or the Executive Director of the  
21 Board, on behalf of the Chair. In the event that the Board does not adopt this Consent Agreement,  
22 it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced  
23 in any action by any party. The parties agree that if the Board rejects this Consent Agreement and  
24 this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by  
25 its review and discussion of this document or any other records relating 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. Adam Kienlen, RCP (“Respondent”), is the holder of License Number 010169  
9 which enables him to practice respiratory care in the State of Arizona.

10 3. Respondent’s license to practice respiratory care was originally issued on  
11 September 15, 2011 and expires on October 14, 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. On July 13, 2017, the Board received a self-report indicating that you been arrested  
15 for DUI on March 30, 2017. Respondent self-reported the incident to the Board outside of the  
16 mandatory ten day reporting requirement prescribed by law.

17 **CONCLUSIONS OF LAW**

18 The conduct described in the Findings of Fact constitutes grounds for disciplinary action  
19 pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3208(A) which  
20 state, “A health professional who has been charged with a misdemeanor involving conduct that  
21 may affect patient safety or a felony after receiving or renewing a license or certificate must notify  
22 the health professional's regulatory board in writing within ten working days after the charge is  
23 filed.”

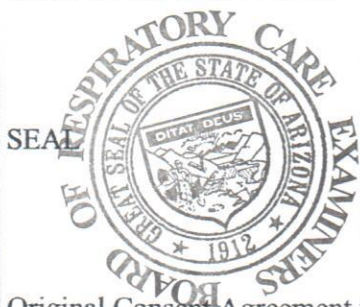
24  
25  
26 DATED: 2/5/18 \_\_\_\_\_

SIGNED: Adam Kienlen  
Adam Kienlen, RCP

1 ORDER

2 **IT IS HEREBY ORDERED THAT** Adam Kienlen, RCP, holder of license number  
3 010169, shall be assessed a non-disciplinary **CIVIL PENALTY** in the amount of **TWO**  
4 **HUNDRED FIFTY AND 00/100 DOLLARS (\$250.00)**. This Civil Penalty shall be paid to the  
5 Arizona State Board of Respiratory Care Examiners by no later than **NINETY (90) DAYS** from  
6 the effective date of this Order.

7 If Respondent is experiencing a hardship that requires payment of the Civil Penalty in  
8 increments or an extension of the Civil Penalty due date, please contact the Board offices at (602)  
9 542-5995 to make alternative arrangements **NO LATER THAN THIRTY (30) DAYS** from the  
10 effective date of this Order.



ARIZONA STATE BOARD OF RESPIRATORY CARE

16 Jack Confer, Executive Director

17 DATED THIS 12<sup>th</sup> DAY FEBRUARY 2018.

18 Original Consent Agreement for  
19 Non-Disciplinary Civil Penalty filed  
20 this 12<sup>th</sup> day of FEBRUARY 2018 with the:

21 Arizona Board of Respiratory Examiners  
22 1400 West Washington, #200  
23 Phoenix, AZ 85007

24 Copy of the foregoing sent by electronic,  
25 and regular mail this 12<sup>th</sup> day of  
26 FEBRUARY 2018 to:

Todd Rutter, RCP  
Address on Record

Robert S. Chelle, Esq  
11811 North Tatum Boulevard, Suite 3031  
Phoenix, AZ 85028