

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

3 In the Matter of:) **CASE NO. 2019-RCE-0318**
4)
4 **MEGAN KROT, RCP**) **CONSENT AGREEMENT AND**
Holder of License No. **012476**) **DISCIPLINARY ORDER**
5)
6 For the Practice of Respiratory Care)
In the State of Arizona)
7 _____)

8 **CONSENT AGREEMENT**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of the above-captioned matter before
11 the Arizona State Board of Respiratory Care Examiners (Board) and in the interest of protecting
12 the people of the State of Arizona, consistent with the statutory requirements and responsibilities
13 of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Megan Krot,
14 RCP (Respondent), holder of license number 012476 to practice respiratory care in the State of
15 Arizona, and the Board enter into the following Consent Agreement for Findings of Fact,
16 Conclusions of Law, and Disciplinary Order for Civil Penalty (Consent Agreement) as the final
17 disposition of this matter.

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

23 2. Respondent understands that they have a right to a public administrative hearing
24 concerning each and every allegation set forth in the above-captioned matter, at which time
25 Respondent could present evidence and cross-examine witnesses. By entering into this Consent
26 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

1 any other administrative, and/or judicial action concerning the matters set forth herein.
2 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any
3 modifications to this original document are ineffective and void unless mutually approved by
4 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
7 Board may consider this Consent Agreement or any part of it in any future disciplinary action
8 against the Respondent.

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
14 for the final disposition of case number 2019-RCE-0318, 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
22 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
23 introduced in any action by any party. The parties agree that if the Board rejects this Consent
24 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board
25 was prejudiced by its review and discussion of this document or any other records relating
26 thereto.

2 action. Respondent further understands that any disciplinary action taken against a licensee by
3 the Board must be reported to the National Practitioners Data Bank, in accordance with federal
4 regulations.

5 7. Respondent understands that this Consent Agreement is a public record that may
6 be publicly disseminated as a formal action of the Board.

7 8. Respondent understands that any violation of this Consent Agreement could be
8 grounds for further disciplinary action by the Board pursuant to A.A.C. R4-45-214(3).
9

10 DATED: 12.21.2020

11 SIGNED: 
12 RCP Megan Krot, Respondent

13 **FINDINGS OF FACT**

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

16 2. Respondent, is the holder of License Number 012476 which enables her to
17 practice respiratory care in the State of Arizona.

18 3. Respondent's license to practice respiratory care was originally issued on July 28,
19 2017 and expires on July 11, 2021.

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

22 5. Respondent was required to renew her license on or before July 11, 2019. On or
23 about September 4, 2019 Respondent submitted a renewal application and indicated that she had
24 worked two shifts while her license was lapsed. Time sheets submitted by the Respondent
5 indicated that 11 shifts had been worked between July 11 and September 4.

6 6. At its August 20, 2020 meeting, the Board voted to offer this Consent Agreement
to the Respondent.

CONCLUSIONS OF LAW

1
2 1. The conduct described in the Findings of Fact constitute grounds for disciplinary
3 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate 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 constitute grounds for disciplinary
7 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(i)
8 which states, “Any conduct or practice which is contrary to recognized standards of ethics of the
9 respiratory therapy profession or any conduct or practice which does or might constitute a danger
10 to the health, welfare or safety of the patient or the public.”

11 3. The conduct described in the Findings of Fact constitute grounds for disciplinary
12 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate 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 constitute 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 (1),
17 which states, “Engaging in the practice of respiratory care in a manner that harms or may harm a
18 patient or that the Board determines falls below the community standard.”

19 5. 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. § 32-3556(1),
21 which states, “Engaging in the practice of respiratory care unless he/she is licensed or excepted
22 from licensure.”

23 6. The conduct described in the Findings of Fact constitute grounds for disciplinary
24 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3556(2),
25 which states, “Represent him/herself to be a licensed respiratory care practitioner or an inhalation
26 therapist or use the letters “R.C.P.” or “R.T.” unless he/she is licensed pursuant to this chapter.

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
3 **ORDERED THAT** Megan Krot, RCP, holder of License Number 012476, shall be subject to
4 the following:

- 5 1. Respondent shall be assessed a **CIVIL PENALTY** in the amount of **FIVE**
6 **HUNDRED AND 00/100 DOLLARS (\$500.00)**. This Civil Penalty shall be paid to
7 the Arizona State Board of Respiratory Care Examiners by no later than **NINETY**
8 **(90) DAYS** from the effective date of this Order. If Respondent is experiencing a
9 financial hardship that requires payment of the Civil Penalty in increments or an
10 extension of the Civil Penalty due date, please contact the Board offices at (602) 542-
11 5995 to make alternative arrangements **NO LATER THAN THIRTY (30) DAYS**
12 from the effective date of this Order.



15 DATED THIS 5th DAY JANUARY, 2020.

16 ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

17
18 By: _____
Jack Confer, Executive Director

19 Original Consent Agreement and
20 Order filed this 5th day of January, 2021 with the:

21 Arizona Board of Respiratory Examiners
22 1740 West Adams Street, Suite 3406
Phoenix, Arizona 85007

23 Copy of the foregoing sent by Electronic,
24 Certified and Regular mail this 5th day
of January, 2021 to:

25 Megan Krot, RCP
26 Address of Record
