

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

3 In the Matter of:) **CASE NO. C003861-18-009595**
4)
5 **SORAYA MCCALLEY, RCP**) **CONSENT AGREEMENT FOR**
6 Holder of License No. **009595**) **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 protecting
14 the people of the State of Arizona, consistent with the statutory requirements and responsibilities
15 of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Soraya
16 McCalley, RCP [formally known as Soraya Rebeck] ("Respondent"), holder of license number
17 009595 to practice respiratory care in the State of Arizona, and the Board enter into the following
18 Consent Agreement for Findings of Fact, Conclusions of Law, and Non-Disciplinary Order for
19 Civil Penalty ("Consent Agreement") as the final disposition of 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. Respondent

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

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

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

11 5. All admissions Respondent makes in this Consent Agreement are made solely for
12 the final disposition of case numbers C003861-18-009595, and any related administrative
13 proceedings or civil litigation involving the Board and Respondent. Respondent further
14 understands that acceptance of the Consent Agreement does not preclude any other agency,
15 subdivision, or officer of this state from instituting other civil or criminal proceedings with
16 respect to the conduct that is the subject of this Consent Agreement.

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

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

26 8. Respondent understands that any violation of this Consent Agreement could be

1 grounds for further disciplinary action by the Board pursuant to A.A.C. R4-45-214(3).

2 **FINDINGS OF FACT**

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

6 2. Soraya McCalley, RCP ("Respondent"), is the holder of License Number 009595
7 which enables her to practice respiratory care in the State of Arizona. Respondent updated the
8 Board by changing her last name to McCalley on February 26, 2018.

9 3. Respondent's license to practice respiratory care was originally issued on July 15,
10 2010 and currently expires on February 14, 2020.

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

13 5. Respondent allowed her license to expire on February 14, 2018. Respondent
14 submitted a late renewal application on February 21, 2018. On her Affidavit Respondent self-
15 disclosed that she had practiced respiratory care on February 18th & 19th 2018.

16 6. Respondent worked two (2) separate and mutually exclusive shifts without the
17 benefit of holding an active and valid license issued by this Board.

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. § 32-3501(10)(i)
21 which states, "Any conduct or practice which is contrary to recognized standards of ethics of the
22 respiratory therapy profession or any conduct or practice which does or might constitute a danger
23 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. § 32-3501(10)(k),
26

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

3
4
5 DATED: 3/8/18

SIGNED: _____


Soraya McCalley, RCP

6
7 **ORDER**

8 **IT IS HEREBY ORDERED THAT** Soraya McCalley, RCP, holder of license number
9 009595, shall be assessed a **CIVIL PENALTY** in the amount of **ONE HUNDRED AND 00/100**
10 **DOLLARS (\$100.00)**. This Civil Penalty shall be paid to the Arizona State Board of Respiratory
11 Care Examiners by no later than **NINETY (90) DAYS** from the effective date of this Order.



ARIZONA STATE BOARD OF RESPIRATORY CARE



Jack Confer, Executive Director

DATED THIS 9th DAY OF MARCH 2018.

18 Original Consent Agreement for
19 Non-Disciplinary Civil Penalty
filed this 9th day of MARCH 2018 with the:

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

22 Copy of the foregoing sent by electronic,
23 Regular and certified mail this 9th
day of MARCH 2018 to:

24 Soraya McCalley, RCP
25 Address on Record
26

