

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

In the Matter of:)	CASE NO. 2019-RCE-0215
)	
EMILY SCHUNK, RCP)	
Holder of License No. 005977)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
For the Practice of Respiratory Care)	ORDER FOR REVOCATION
In the State of Arizona)	
)	

Emily Schunk, RCP (“Respondent”), did not appear before the Arizona State Board of Respiratory Care Examiners (“Board”) for a Formal Administrative Hearing on Thursday, May 21, 2020. Seamus Monaghan, Assistant Attorney General, appeared on behalf of the State of Arizona. Michael Raine, Assistant Attorney General, appeared as independent advice counsel for the Board. Following the presentation of the State’s Motion to Deem the Allegations Admitted, pursuant to A.R.S. § 32-3553(K), the Board voted to grant the State’s Motion and adopted the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Arizona State Board of Respiratory Care Examiners is the duly constituted agency for licensing and regulating of the practice of respiratory care in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-3501, *et seq.*

2. Respondent was the holder of License Number 005977 which enabled her to practice respiratory care in the State of Arizona, prior to this Order.

3. Respondent’s license to practice respiratory care was active until May 7, 2021, prior to this Order.

4. On or about August 27, 2019, the Board received an online complaint which disclosed that Respondent was charged with a DUI, extreme DUI, criminal damage greater than \$10,000.00, and endangerment, on or about June 12, 2019.

5. Respondent failed to report these charges to the Board in writing, within 10 working days after the charges were filed, as required pursuant to A.R.S. §§ 32-3208(A) and 32-3501(9)(l).

6. The Board reached out to inquire about the pending charges on or about August 27, 2019, and Respondent stated that she was unaware she had a duty to report this type of charge or arrest. Since August 27, 2019, the Board has received no correspondence from licensee, nor has she returned attempts by the Board to contact her.

CONCLUSIONS OF LAW

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

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

3. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(1) and (3) and violate the provisions of A.R.S. § 32-3501(9)(k), which states, “Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this chapter.”

4. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(l), which states, “Failing to report to the board within 10 calendar days an incident or incidents that appear to show the existence of a cause for disciplinary action or that a licensed respiratory care practitioner is or may be professionally incompetent or is or may be mentally or physically unable to engage safely in the practice of respiratory care.”

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
3 **ORDERED THAT** License No. 005977 issued to Respondent shall be **REVOKED** on the
4 effective date of this Order.

5 **IT IS FURTHER ORDERED** that Respondent may not apply to the Board for
6 reinstatement of her license for at least one calendar year from the issuance date of this Order,
7 as specified in A.R.S. § 32-3554 (A) and (B).

8 **NOTICE**

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



DATED THIS 22ND DAY OF MAY, 2020.

ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

20
21 By: 
22 Jack Confer, Executive Director

23
24 Original Findings of Fact, Conclusions
25 Of Law, and Order for Revocation of License to
26 Practice Respiratory Care filed this
22nd day of May, 2020 with the:

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

1 Copy of the foregoing sent by Electronic,
2 Certified and Regular mail this 22nd day
of May, 2020 to:

3 Emily Schunk, RCP
4 7749 North John Hancock Avenue
Tucson, Arizona 85741

5 Copy of the foregoing sent by electronic
6 mail this 22nd day of May, 2020 to:

7 Seamus Monaghan, Assistant Attorney General
8 Office of Arizona Attorney General
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9 Michael Raine, Assistant Attorney General
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