

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

1)	
2)	CASE NO. C003783-17-011181
3)	
4)	WILLIAM MCCLENDON, RCP
5)	Holder of License No. 011181
6)	CONSENT AGREEMENT AND
)	DISCIPLINARY ORDER
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CONSENT AGREEMENT

RECITALS

9 In the interest of a prompt and judicious settlement of the above-captioned matter before
10 the Arizona State Board of Respiratory Care Examiners (“Board”) and in the interest of protecting
11 the people of the State of Arizona, consistent with the statutory requirements and responsibilities
12 of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07 (F)(5), William
13 McClendon, RCP (“Respondent”), holder of license number 011181 to practice respiratory care in
14 the State of Arizona, and the Board enter into the following Consent Agreement for Findings of
15 Fact, Conclusions of Law, and Disciplinary Order for Decree of Censure (“Consent Agreement”)
16 as the final disposition of this matter.

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

22 2. Respondent understands that he has a right to a public administrative hearing
23 concerning each and every allegation set forth in the above-captioned matter, at which time
24 Respondent could present evidence and cross-examine witnesses. By entering into this Consent
25 Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative
26 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 number C003783-17-011181, 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 a Decree of Censure constitutes disciplinary action.
25 Respondent further understands that any disciplinary action taken against a licensee by the Board
26 must be reported to the National Practitioner Data Bank, in accordance with federal regulations.

1 which resulted in staff witnessing Respondent's lack of proficiency with certain types of
2 equipment or in critical situations.

3 8. On November 14, 2016, Respondent was counseled after an RN complained that
4 Respondent shut off an IV unit that was beeping and failed to inform the nurse that he had done
5 this. The patient had an order for continuous IV fluids and the physician and nurse were both under
6 the impression that the patient had been receiving fluids and did not know Respondent had turned
7 off the fluids.

8 9. On February 7, 2017, Respondent was counseled after he administered the wrong
9 medication to a patient. The error was made due to Respondent continuing to scan all of his
10 medications at the same time and not before administering them, as per BCMA policy.

11 10. On February 13, 2017, a Physician Assistant expressed a concern regarding
12 Respondent's failure to provide an ordered treatment on an ED patient with asthma exacerbation.
13 The patient came in by ambulance with a treatment already running and Respondent task
14 duplicated the order, not realizing the patient had been ordered additional treatments. The
15 treatment was eventually provided just after midnight by a different respiratory therapist.

16 11. Respondent was terminated from employment at Ironwood on June 19, 2017 due
17 to ongoing performance issues regarding the failure to chart therapies and failure to follow hospital
18 policy.

19 CONCLUSIONS OF LAW

20 1. The conduct described in the Findings of Fact constitute grounds for disciplinary
21 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(d),
22 which states, "Gross incompetence, repeated incompetence, or incompetence resulting in injury to
23 a patient."

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(9)(i),
26 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."

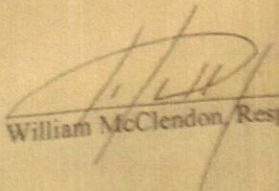
3. The conduct described in the Findings of Fact constitute grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(k), which states, "Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of 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)(1) and (3) and violate the provisions of A.A.C. R4-45-214 (1), which states, "Engaging in the practice of respiratory care in a manner that harms or may harm a patient or that the Board determines falls below the community standard."

5. 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.A.C. R4-45-214 (6), which states, "Endangering a patient's or the public's physical or emotional health or safety or engaging in conduct or practice that may be reasonably expected to do so."

6. 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.A.C. R4-45-214 (9), which states, "Acting in a manner that the Board determines, based on community standards, constitutes incompetence, gross negligence, repeated negligence, or negligence that results in harm or death of a patient."

7. 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.A.C. R4-45-214 (21), which states, "Knowingly exceeding the scope of practice for a respiratory care practitioner at any health care location as the scope of practice is defined by the entity responsible for that healthcare location."


William McClendon, Respondent

1 Dated: _____

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3 **ORDER**

4 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
5 **ORDERED THAT** License No. 011181, held by William McClendon, RCP, shall be
6 **CENSURED**. This Decree of Censure constitutes an official action against the license held by
7 RCP McClendon.



ARIZONA STATE BOARD OF RESPIRATORY CARE

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Jack Confer, Executive Director

DATED THIS 22nd DAY OF JANUARY, 2018.

Original Disciplinary Order for Decree of
Censure filed this 22nd day
of January 2018 with the:

Arizona Board of Respiratory Examiners
1740 West Adams
Phoenix, AZ 85007


Copy of the foregoing sent by
electronic, and regular mail this
22nd day of January 2018 to:

William McClendon, RCP
Address on Record

Copy of the foregoing sent by inter
agency and electronic mail this 22nd
day of January 2018 to:

Mary D. Williams, AAG
Office of Arizona Attorney General
1275 W. Washington
Phoenix, AZ 85007

Frankie Shinn-Eckberg, AAG
Office of Arizona Attorney General
1275 W. Washington
Phoenix, AZ 85007



A handwritten signature in blue ink, appearing to read 'Frankie Shinn-Eckberg', is written over the printed name and address. The signature starts with a large loop on the left side, crosses the horizontal line, and ends with a horizontal stroke on the right.

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