

1 Original Consent Agreement for Findings
2 of Fact, Conclusions of Law and
3 Disciplinary Order filed this
_____ day of October, 2021 with the:

4 Arizona Board of Respiratory Examiners
5 1740 West Adams Street, suite 3406
6 Phoenix, AZ 85007

7 Copy of the foregoing sent by certified, regular, and electronic mail this _____ day
8 of October, 2021 to:

9 Shannon Kaze
10 Address of Record & Email
11 Respondent

12 Copy of the foregoing sent by inter
13 agency and electronic mail this ____
14 day of October, 2021 to:

15 Justin Larson
16 Assistant Attorney General
17 Office of Arizona Attorney General, SGD/LES
18 2005 North Central Avenue
19 Phoenix, Arizona 85004
20 Attorney for the State of Arizona

21 _____
22 Doc #9874216
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1 5. The Rehab Agreement placed Respondent on non-disciplinary probation for a
2 period of three years, and during the probationary period required Respondent, among other
3 things:

4 a. To participate in Alcoholics Anonymous, Narcotics Anonymous, or an
5 equivalent program (at least two weekly meetings), and to submit written quarterly
6 reports to the Board with specific information regarding his attendance (see Rehab
7 Agreement at Paragraph 1);

8 b. To comply immediately (within 2 hours) with telephonic, electronic, or in
9 person requests from the Board, or its agents or designees, to submit to random biological
10 fluid collection for mandatory and random drug testing (see Rehab Agreement at
11 Paragraph 2); and

12 c. To notify the Board, in writing, of any change of employment or contact
13 information (see Rehab Agreement at Paragraph 6).

14 6. While the Rehab Agreement was in effect, the Board received information from
15 Respondent's employer confirming Respondent's employment was terminated on August 5,
16 2021. Respondent failed to notify the Board of this change in employment in violation of
17 Paragraph 3 of the Rehab Agreement.

18 7. Further, Respondent failed to submit any written quarterly reports to the Board
19 regarding his attendance at Alcoholics Anonymous, Narcotics Anonymous, or an equivalent
20 program in violation of Paragraph 1 of the Rehab Agreement.

21 8. Finally, Respondent failed to comply, within two hours, with a telephonic request
22 from Board staff that he submit to random biological fluid collection for mandatory and random
23 drug testing in violation of Paragraph 2 of the Rehab Agreement.

24 9. The Board reviewed this information at its August 26, 2021, special Board
25 meeting and moved to Summarily Suspend Respondent's license pending a formal summary
26 suspension hearing.

1 parties agree that if the Board rejects this Consent Agreement and this case proceeds to hearing,
2 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of
3 this document or any other records relating thereto.

4 8. Respondent understands that a Voluntary Surrender of License constitutes a
5 disciplinary action with the same force and effect of a license Revocation. Respondent agrees
6 that he may apply for a license after one year pursuant to A.R.S. § 32-3554.

7 9. Respondent understands that any disciplinary action taken against a licensee by
8 the Board must be reported to the National Practitioner Data Bank, in accordance with federal
9 regulations.

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

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

14 DATED: 10-19-21

SIGNED: 

Shannon Kaze, Respondent

16 **FINDINGS OF FACT**

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

21 2. Respondent is the holder of License Number 043527, which enables him to
22 practice respiratory care in the State of Arizona.

23 3. Respondent has been licensed to practice respiratory care in the State of Arizona
24 since May 21, 2020 and, prior to this action, his license was valid until September 22, 2021.

25 4. On May 18, 2021, as a result of information the Board received regarding a
26 criminal incident involving Respondent, the Board and Respondent entered into a Stipulated
Confidential Rehabilitation Consent Agreement (the "Rehab Agreement").

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 -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
14 for the final disposition of case number 2021-RCE-0193, 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. Respondent acknowledges that if this matter proceeded to formal hearing, the
20 Board could establish sufficient evidence to support a conclusion that certain of Respondent's
21 conduct constituted unprofessional conduct under the Board's statutes and/or rules. Therefore,
22 Respondent has agreed to enter into this Consent Agreement as an economical and practical
23 means of resolving the issues associated with the Board's investigation.

24 7. The Consent Agreement shall be subject to approval by the Board and shall be
25 effective only when signed by the Executive Director and accepted by the Board. In the event
26 that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no
evidentiary value and shall not be relied upon nor introduced in any action by any party. The

BEFORE THE ARIZONA STATE BOARD OF
RESPIRATORY CARE EXAMINERS

In the Matter of:) CASE NO. 2021-RCE-0193
)
SHANNON KAZE, RCP)
Holder of License No. 043527) CONSENT AGREEMENT AND
) DISCIPLINARY ORDER FOR
For the Practice of Respiratory Care) VOLUNTARY SURRENDER
In the State of Arizona)
9489 0090 0027 6050 0885 06

CONSENT AGREEMENT

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Respiratory Care Examiners (the "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), Shannon Kaze, RCP ("Respondent"), holder of license number 043527 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 Disciplinary Order for Voluntary Surrender of License ("Consent Agreement") as the final disposition of this matter.

RECITALS

Respondent understands and agrees that:

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 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or