

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

In the Matter of:)	CASE NO. 2019-RCE-0136
)	
RAYMOND HERNANDEZ, RCP)	
Holder of License No. 002611)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
For the Practice of Respiratory Care)	ORDER FOR REVOCATION
In the State of Arizona)	
_____)	

Raymond Hernandez, RCP (“Respondent”), did not appear before the Arizona State Board of Respiratory Care Examiners (“Board”) for a Formal Administrative Hearing on Thursday, August 15, 2019. Frankie Shinn-Eckberg, Assistant Attorney General, appeared on behalf of the State of Arizona. Mary Williams, 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. Raymond Hernandez, RCP, is the holder of License Number 002611 which enabled him to practice respiratory care in the State of Arizona.

3. Respondent has been licensed to practice respiratory care in the State of Arizona since September 1, 1993 and Respondent’s license to practice respiratory care would have been active until December 30, 2019. The Board issues an Interim Order of Summary Suspension of License issued on June 21, 2019 which effectively suspended his license to practice while this matter was being adjudicated.

4. On June 5, 2019, the Board received information from Respondent’s employer,

1 Preferred Homecare in Phoenix, Arizona, that Respondent was terminated for failing a random
2 drug screen.

3 5. On May 23, 2019, Respondent submitted to a random and mandatory urine drug
4 screen ordered by his employer. The drug screen returned a positive result for “Amphetamines –
5 Methamphetamine” and Respondent was terminated from employment on May 30, 2019 for
6 violating company policy.

7 6. Board Staff has been unable to make contact with Respondent, despite multiple
8 attempts, and Respondent has not provided a response to the allegations and has not cooperated
9 with the Board’s investigation.

10 7. Respondent’s previous disciplinary history with the Board includes an Order for
11 Probation issued on May 5, 1998 for failing to timely renew his license and continuing to work
12 on a lapsed license.

13 8. The Board reviewed the preliminary investigative materials at its Regular Board
14 Meeting on June 20, 2019 and summarily suspended Respondent’s license after it found that the
15 protection of the public health, safety or welfare imperatively required emergency action due to
16 the egregious nature of Respondent’s conduct, the Board’s inability to regulate this individual,
17 and the potential harm to the public’s health, safety or welfare.

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(9)(c)
21 which states, “Illegal use of narcotic or hypnotic drugs or substances.”

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

26 3. The conduct described in the Findings of Fact constitute grounds for disciplinary

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

5 4. The conduct described in the Findings of Fact constitute grounds for disciplinary
6 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(9)(j)
7 which states, “Any conduct, practice or condition which does or might impair the person’s ability
8 to safely and skillfully practice respiratory therapy.”

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

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

19 7. 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.A.C. R4-45-214 (1),
21 which states, “Engaging in the practice of respiratory care in a manner that harms or may harm a
22 patient or that the Board determines falls below the community standard.”

23 8. 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.A.C. R4-45-214 (6),
25 which states, “Endangering a patient’s or the public’s physical or emotional health or safety or
26 engaging in conduct or practice that may reasonably be expected to do so.”

1 Original Findings of Fact, Conclusions
of Law, and Order for Revocation of License to
2 Practice Respiratory Care filed this
16th day August, 2019 with the:

3 Arizona Board of Respiratory Examiners
4 1740 West Adams Street, Suite 3406
Phoenix, Arizona 85007

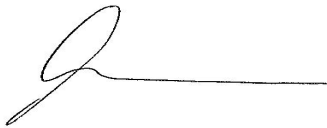
5 Copy of the foregoing send by Electronic,
6 Certified and Regular mail this 16th day
of August, 2019 to:

7 Raymond Hernandez
8 Address of Record

9 Copy of the foregoing sent by inter-
Agency mail this 16th day of August, 2019 to:

10 Frankie Shinn-Eckberg, Assistant Attorney General
11 Office of Arizona Attorney General
2005 North Central Avenue
12 Phoenix, AZ 85004

13 Mary D. Williams, Assistant Attorney General
14 Office of Arizona Attorney General
2005 North Central Avenue
15 Phoenix, AZ 85004

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