

BEFORE THE ARIZONA STATE BOARD OF  
RESPIRATORY CARE EXAMINERS

In the Matter of: ) CASE NO. 2018-RCE-0047  
)  
ELICE LINEHAN, RCP ) CONSENT AGREEMENT FOR  
HOLDER OF LICENSE NO. 007784 ) FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND NON-DISCIPLINARY  
FOR THE PRACTICE OF ) ORDER FOR CONTINUING  
RESPIRATORY THERAPY IN THE ) EDUCATION AND CIVIL PENALTY  
STATE OF ARIZONA )

CONSENT AGREEMENT  
RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Respiratory Care Examiners (“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. § 41-1061(D), Elice Linehan, RCP (“Respondent”), holder of license number 007784 to practice respiratory care in the State of Arizona, and the Board elect to enter into the following Consent Agreement for Findings of Fact, Conclusions of Law, and Order for Non-Disciplinary Continuing Education and Civil Penalty (“Consent Agreement”) as part of the final disposition of this matter.

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 they have 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 any other administrative, and/or judicial action concerning the matters set forth herein. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any

1 modifications to this original document are ineffective and void unless mutually approved by  
2 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  
5 Board may consider this Consent Agreement or any part of it in any future disciplinary action  
6 against him or her.

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  
12 for the final disposition of case number 2018-RCE-0047, 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  
20 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
21 introduced in any action by any party. The parties agree that if the Board rejects this Consent  
22 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board  
23 was prejudiced by its review and discussion of this document or any other records relating  
24 thereto.

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

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

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

**FINDINGS OF FACT**

1. Based on the evidence before it, the Board found that Respondent has failed to submit documentation that demonstrated compliance with the continuing education mandate during the last renewal period. Respondent was unable to submit 7 hours of approved continuing education as required.

**CONCLUSIONS OF LAW**

1. The Board of Respiratory Care Examiners of the State of Arizona possesses jurisdiction over this matter and this Licensee pursuant to A.R.S. § 32-3501, et seq.

2. 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.A.C. R4-45-208 (1), which states in pertinent part, "A respiratory care practitioner shall acquire 20 CEUs during every two-year licensure period. To renew a license, a respiratory care practitioner shall report compliance with the continuing education requirement. A respiratory care practitioner shall submit documentation showing evidence of compliance only if requested by the Board."

**ORDER**

1. **IT IS HEREBY ORDERED THAT** Elice Linehan, RCP, holder of License No. 007784 shall be subject to the following:

1. Respondent shall pay a Civil Penalty in the amount of \$175 within NINETY (90) days of the effective date of this Order. [\$25.00 per hour]

2. Respondent shall submit 7 hours of approved continuing education that will be applied toward the last renewal period and may not be utilized for the current renewal period within NINETY (90) days of the effective date of this Order.



*Elice Linehan*  
Elice Linehan, RCP

DATED THIS 19 DAY OF October 2018.

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SEAL



ARIZONA STATE BOARD OF RESPIRATORY CARE

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Jack Confer, Executive Director

DATED THIS 19<sup>th</sup> DAY OF OCTOBER 2017.

Original Consent Agreement for Findings  
of Fact, Conclusions of Law and Non-  
Disciplinary Order for Continuing  
Education and Civil Penalty filed this  
19<sup>th</sup> day of OCTOBER 2018 with the:

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

Copy of the foregoing sent by electronic  
and regular mail this 19<sup>th</sup> day  
of OCTOBER 2018 to:

Elice Linehan, RCP  
Address on Record

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