

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

3 In the Matter of:) **CASE NO. C003856-18-000386**
4)
4 **ANTHONY MANGANO, RCP**) **CONSENT AGREEMENT AND**
Holder of License No. **000386**) **ORDER FOR VOLUNTARY**
5) **SURRENDER OF LICENSE**
6 For the Practice of Respiratory Care)
In the State of Arizona)
7)

8 **CONSENT AGREEMENT**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of the above-captioned matter before
11 the Arizona Board of Respiratory Care Examiners ("Board") and in the interest of protecting the
12 people of the State of Arizona, consistent with the statutory requirements and responsibilities of
13 the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Anthony "AJ"
14 Mangano, RCP ("Respondent"), holder of license number 000386 to practice respiratory care in
15 the State of Arizona, agrees to accept the following Consent Agreement, Findings of Fact,
16 Conclusions of Law, and Order for Voluntary Surrender of License ("Consent Agreement") as the
17 final disposition of this matter.

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

23 2. Respondent understands that he has a right to a public administrative hearing
24 concerning each and every allegation set forth in the above-captioned matter, at which time
25 Respondent could present evidence and cross-examine witnesses. By entering into this Consent
26 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

1 other administrative, and/or judicial action concerning the matters set forth herein. Respondent
2 affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to
3 this original document are ineffective and void unless mutually approved by the parties in writing.

4 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
5 of this agreement, pursuant to A.R.S. § 32-3553. Respondent understands that the Board may
6 consider this Consent Agreement or any part of it in any future disciplinary action against him or
7 in any future decision to issue a license.

8 4. Respondent understands that this Consent Agreement does not constitute a
9 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
10 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
11 regarding any other pending or future investigation, action or proceeding.

12 5. All admissions Respondent makes in this Consent Agreement are made solely for
13 the final disposition of Case Number C003856-18-000386 regarding allegations of
14 unprofessional conduct against Respondent, and any related administrative proceedings or civil
15 litigation involving the Board and Respondent. Respondent further understands that acceptance
16 of the Consent Agreement does not preclude any other agency, subdivision, or officer of this state
17 from instituting other civil or criminal proceedings with respect to the conduct that is the subject
18 of this Consent Agreement.

19 6. Respondent acknowledges that it is the Board's position that if this matter
20 proceeded to formal hearing, the Board could likely establish sufficient evidence to support a
21 conclusion that certain of Respondent's conduct constituted unprofessional conduct under A.R.S.
22 § 32-3552 and A.A.C. R4-45-214. Therefore, Respondent has agreed to enter into this Consent
23 Agreement as an economical and practical means of resolving the issues associated with the
24 Board's investigation.

25 7. The Consent Agreement shall be subject to approval by the Board and shall be
26 effective only when signed by the Executive Director and accepted by the Board. In the event

1 that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no
2 evidentiary value and shall not be relied upon nor introduced in any action by any party. The
3 parties agree that if the Board rejects this Consent Agreement and this case proceeds to hearing,
4 Respondent shall assert no claim that the Board was prejudiced by its review and discussion of
5 this document or any other records relating thereto.

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

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

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

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

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 and the subject matter pursuant to A.R.S. § 32-3501, *et seq.*

20 2. Anthony "AJ" Mangano, RCP, is the holder of License Number 000386 which
21 enabled him to practice respiratory care in the State of Arizona.

22 3. Respondent has been licensed to practice respiratory care in the State of Arizona
23 since October 23, 2002 and Respondent's license to practice respiratory care was active until April
24 24, 2020, prior to this Order.

25 4. The Board received a self-report from Respondent that he had been arrested on
26 January 10, 2018 by the Lake Havasu Police Department for: Possession/Use of a Weapon in a

1 Drug Offense (charge not filed), Possession of Marijuana, Possession of Drug Paraphernalia, and
2 possession of Drug Paraphernalia (Methamphetamine).

3 5. The arrest was made pursuant to a lawful search warrant served on Respondent's
4 home. The police found the following items in Respondent's bedroom: a Taurus PT111G2 pistol,
5 a Stevens model 62 .22 caliber long rifle, a glass water smoking pipe with burnt residue, two vials
6 of naloxone, a plastic bag containing suspected marijuana, a wood container with suspected
7 marijuana, a metal pipe, and indica.

8 6. The police report states that Respondent was informed of his Miranda rights and
9 stated he understood them. When questioned by police, Respondent stated that police would find
10 a "meth bong" in his closet and some marijuana in his drawer. Respondent further disclosed that
11 he has smoked methamphetamine the majority of his life, that he does not smoke
12 methamphetamine daily but smokes it off and on, that the last time he smoked methamphetamine
13 was earlier that day, and that he smokes marijuana on occasion. Police noted that there was no
14 methamphetamine in Respondent's room and Respondent informed police that he had smoked the
15 last of it that day and that he usually smokes about twenty dollars' worth as soon as he gets it.

16 7. After the arrest, Respondent was questioned again at the police station while being
17 audio and video recorded by police. He again stated he understood his rights and re-confirmed that
18 he had a "meth bong" in his closet and marijuana in his drawer, that he has been smoking
19 methamphetamine and marijuana his entire life, that he uses about twenty dollars' worth of
20 methamphetamine at a time, and does not smoke all the time.

21 8. On February 2, 2018, Respondent entered into a Stipulated Guilty Plea in which he
22 pleaded guilty to Count 3: Possession of Drug Paraphernalia (Methamphetamine), a Class 1
23 Misdemeanor (amended) in violation of A.R.S. §§ 13-3415(A), 13-604, 13-707, and 13-802.

24 9. Respondent did not report the incident to the Board within the mandatory ten (10)
25 day reporting requirement prescribed by law.

26

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

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

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

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

20 8. 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. § 32-3208(A),
22 which states, "A health professional who has been charged with a misdemeanor involving conduct
23 that may affect patient safety or a felony after receiving or renewing a license or certificate must
24 notify the health professional's regulatory board in writing within ten working days after the charge
25 is filed."

26 9. 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. R4-45-214 (6).

which states: "Endangering a person's or the public's physical or emotional health or safety by engaging in conduct or practice that may be reasonably expected to do so."

[Signature]

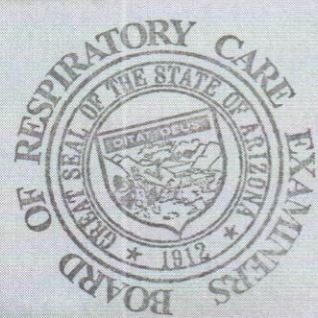
Anthony "AJ" Mangano, Respondent

Date: 6/11/18

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED THAT License Number 00000 issued to Anthony "AJ" Mangano shall be VOLUNTARILY RE-RENDERED upon the signing of this Order by the Executive Director of the Board at the approval of the Board.

IT IS FURTHER ORDERED that Anthony "AJ" Mangano may not apply to the Board for Issuance of a license at least one calendar year from the issuance date of this Order, as specified in A.R.S. § 12-2004(C) and (D).



DATED THIS 11 DAY OF JUNE 2018
ARIZONA BOARD OF RESPIRATORY CARE EXAMINERS

[Signature]

Jack Conley, Executive Director

Original Consent Agreement for
Voluntary Surrender of License filed this
12th day of June 2018 with the

Arizona Board of Respiratory Examiners
1760 West Adams Street, Suite 1406
Phoenix, Arizona 85007

Copy of the foregoing sent by Electronic,
Certified and Regular mail this 12th day
of June 2018 to:

Anthony "AJ" Mangano
Addressed Person

1 which states, "Endangering a patient's or the public's physical or emotional health or safety or
2 engaging in conduct or practice that may be reasonably expected to do so."

3
4 _____
Anthony "AJ" Mangano, Respondent

5
6 Dated: _____

7 **ORDER**

8 1. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS**
9 **HEREBY ORDERED THAT** License Number 000386 issued to Anthony "AJ" Mangano shall
10 be **VOLUNTARILY SURRENDERED** upon the signing of this Order by the Executive Director
11 of the Board at the approval of the Board.

12 2. **IT IS FURTHER ORDERED** that Anthony "AJ" Mangano may not apply to the
13 Board for licensure at least one calendar year from the issuance date of this Order, as specified
14 in A.R.S. § 32-3554 (A) and (B).

15 DATED THIS _____ DAY OF JUNE 2018.
ARIZONA BOARD OF RESPIRATORY CARE EXAMINERS

16
17 By: _____
18 Jack Confer, Executive Director

19
20 Original Consent Agreement for
21 Voluntary Surrender of License filed this
_____ day of June 2018 with the:

22 Arizona Board of Respiratory Examiners
23 1740 West Adams Street, Suite 3406
24 Phoenix, Arizona 85007

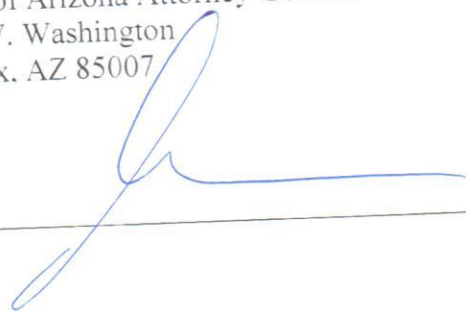
25 Copy of the foregoing send by Electronic,
26 Certified and Regular mail this _____ day
of June 2018 to:

Anthony "AJ" Mangano
Address of Record

1 Copy of the foregoing sent by electronic
2 mail this 12th day of June 2018 to:

3 Seth Hargraves, AAG
4 Office of Arizona Attorney General
5 2005 N Central Ave
6 Phoenix, AZ 85004

7 Frankie Shinn-Eckberg, Assistant Attorney General
8 Office of Arizona Attorney General
9 1275 W. Washington
10 Phoenix, AZ 85007



A handwritten signature in blue ink, appearing to be 'Frankie Shinn-Eckberg', is written over a horizontal line. The signature is stylized and extends across the line.

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