

BEFORE THE ARIZONA STATE BOARD OF
RESPIRATORY CARE EXAMINERS

In the Matter of:) CASE NO. C003847-18-009209
)
AMELIA MENDOZA, RCP) CONSENT AGREEMENT FOR
Holder of License No. 009209) NON-DISCIPLINARY CIVIL
) PENALTY
Or the Practice of Respiratory Care)
In the 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. § 41-1092.07 (F)(5), Amelia Mendoza, RCP ("Respondent"), holder of license number 009209 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 Non-Disciplinary Order for Civil Penalty ("Consent Agreement") as 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 she 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 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 numbers C003847-18-009209, 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 this Consent Agreement is a public record that may
25 be publicly disseminated as a formal action of the Board.

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

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

2 **FINDINGS OF FACT**

3 1. The Arizona State Board of Respiratory Care Examiners is the duly constituted
4 agency for licensing and regulating of the practice of respiratory care in the State of Arizona
5 pursuant to A.R.S. § 32-3501, *et seq.*

6 2. Amelia Mendoza, RCP ("Respondent"), is the holder of License Number 009209
7 which enables her to practice respiratory care in the State of Arizona.

8 3. Respondent's license to practice respiratory care was originally issued on October
9 15, 2009 and currently expires on December 29, 2019.

10 4. Under A.R.S. § 32-3501, *et seq.*, the Board possesses jurisdiction over the subject
11 matter and over Respondent as a licensee of the Board.

12 5. Respondent allowed her license to expire on December 29, 2017. Respondent
13 submitted a late renewal application on January 3, 2018. On her Affidavit Respondent self-
14 disclosed that she had practiced respiratory care on December 29, 2018 and January 1st & 2nd 2018.

15 6. Respondent worked three (3) separate and mutually exclusive shifts without the
16 benefit of holding an active and valid license issued by this Board.

17 **CONCLUSIONS OF LAW**

18 1. The conduct described in the Findings of Fact constitute grounds for disciplinary
19 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(10)(i)
20 which states, "Any conduct or practice which is contrary to recognized standards of ethics of the
21 respiratory therapy profession or any conduct or practice which does or might constitute a danger
22 to the health, welfare or safety of the patient or the public."

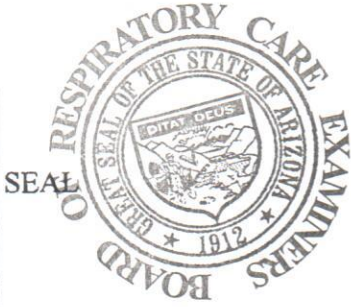
23 2. The conduct described in the Findings of Fact constitute grounds for disciplinary
24 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-3501(10)(k),
25 which states, "Violating or attempting to violate, directly or indirectly, or assisting in or abetting
26 the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

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2
3 DATED: 3-9-18

SIGNED: [Signature] RCP
Amelia Mendoza, RCP

4 **ORDER**

5 **IT IS HEREBY ORDERED THAT** Amelia Mendoza, RCP, holder of license number
6 009209, shall be assessed a **CIVIL PENALTY** in the amount of **ONE HUNDRED AND FIFTY**
7 **00/100 DOLLARS (\$150.00)**. This Civil Penalty shall be paid to the Arizona State Board of
8 Respiratory Care Examiners by no later than **NINETY (90) DAYS** from the effective date of this
9 Order.



ARIZONA STATE BOARD OF RESPIRATORY CARE

[Signature]

Jack Confer, Executive Director

DATED THIS 9th DAY OF MARCH 2018.

15 Original Consent Agreement for
16 Non-Disciplinary Civil Penalty
17 filed this 9th day of MARCH 2018 with the:

18 Arizona Board of Respiratory Examiners
19 1740 West Adams Street, Suite 3406
Phoenix, AZ 85007

20 Copy of the foregoing sent by electronic,
21 Regular and certified mail this 9th
day of MARCH 2018 to:

22 Amelia Mendoza, RCP
23 Address on Record
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