

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

3 In the Matter of:) **CASE NO. 2019-RCE-0057**
4 **JOSEPH D. RICCHETTI, RCP**) **CONSENT AGREEMENT AND**
Holder of License No. **009550**) **NON-DISCIPLINARY ORDER**
5)
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 State Board of Respiratory Care Examiners ("Board"), and in the interest of
12 protecting the people of the State of Arizona, consistent with the statutory requirements and
13 responsibilities of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07
14 (F)(5), Joseph D. Ricchetti, RCP ("Respondent"), holder of license number 009550 to practice
15 respiratory care in the State of Arizona, and the Board enter into the following Consent
16 Agreement for Findings of Fact, Conclusions of Law, and Non-disciplinary Order for Civil
17 Penalty and Continuing Education ("Consent Agreement") as the 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

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 32-3553. Respondent understands that the
7 Board may consider this Consent Agreement or any part of it in any future disciplinary action
8 against 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 numbers 2019-RCE-0057, 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 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
22 A.R.S. § 32-3552 and A.A.C. R4-45-214. Therefore, Respondent has agreed to enter into this
23 Consent Agreement as an economical and practical means of resolving the issues associated
24 with the 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
that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no

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

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

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

9
10
11 DATED: 8/8/2019

SIGNED: 
RCP Joseph Ricchetti, Respondent

12
13 **FINDINGS OF FACT**

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

18 2. Joseph D. Ricchetti, RCP, is the holder of License Number 009550, which
19 enables him to practice respiratory care in the State of Arizona.

20 3. Respondent has been licensed since December 16, 2010. Respondent's license to
21 practice respiratory care was renewed timely and is effective until January 15, 2021.

22 4. As part of the renewal process, the Board conducts a mandatory Continuing
23 Education Audit pursuant to A.A.C. R4-45-208.

24 5. Respondent responded to the Board's request for the Continuing Education Audit
25 on or before the date specified in the audit notice and submitted twenty units of approved
26 continuing education. Unfortunately, the two ethics units were obtained outside of Respondent's
renewal period of January 10, 2017 to January 9, 2019 and Respondent failed to obtain five live

1 course units. Respondent was unable to produce documentation showing he had obtained five
2 units of approved live continuing education and timely obtained two units of ethics as required
3 by law and failed to demonstrate compliance with the continuing education requirement
4 mandated for Respondent's last renewal period.

5 CONCLUSIONS OF LAW

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

12 2. The conduct described in the Findings of Fact, if proven true, may constitute
13 grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(1) and (3) and violate the
14 provisions of A.R.S. § 32-3501(9)(k), which states, "Violating or attempting to violate, directly
15 or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this
16 chapter."

17 3. The conduct described in the Findings of Fact, if proven true, may constitute
18 grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(1) and (3) and violate the
19 provisions of A.A.C. R4-45-214 (6), which states, "Endangering a patient's or the public's
20 physical or emotional health or safety or engaging in conduct or practice that may reasonably be
21 expected to do so."

22 ORDER

23 **IT IS HEREBY ORDERED THAT** Joseph D. Ricchetti, RCP, holder of License No.
24 009550 shall be subject to the following:

25 1. Respondent shall pay a non-disciplinary **CIVIL PENALTY** for \$25.00 per
26 missing continuing education hour in the total amount of **ONE HUNDRED SEVENTY FIVE**
AND 00/100 DOLLARS (\$175.00) for failing to complete seven continuing education hours

1 within the required renewal period. This Civil Penalty shall be paid to the Arizona State Board of
2 Respiratory Care Examiners by no later than **SIX (6) MONTHS** from the effective date of this
3 Order. If Respondent is experiencing a financial hardship that requires payment of the Civil
4 Penalty in increments or an extension of the Civil Penalty due date, please contact the Board
5 offices at (602) 542-5995 to make alternative arrangements **NO LATER THAN NINETY (90)**
6 **DAYS** from the effective date of this Order.

7 2. Respondent shall submit **FIVE (5) HOURS** of approved live continuing
8 education no later than **SIX (6) MONTHS** from the effective date of this Order. These
9 continuing education units shall be in addition to the normal continuing education units required
10 for the current license renewal period.

11 All costs associated with complying with the terms of this Order are to be paid by
12 Respondent. Respondent may, at any time this Consent Agreement is in effect, request a
13 voluntarily surrender of his license with the understanding that the same will be treated and
14 considered as a revocation of the license by the Board.



ARIZONA STATE BOARD OF RESPIRATORY CARE

A handwritten signature in black ink, appearing to read "Jack Confer", written over a horizontal line.

Jack Confer, Executive Director

DATED THIS 8th DAY OF AUGUST, 2019.

21 Original Consent Agreement for Findings
22 of Fact, Conclusions of Law and Non-
23 Disciplinary Order filed this
24 8th day of August, 2019 with the:

24 Arizona Board of Respiratory Examiners
25 1740 West Adams Street, Suite 3406
26 Phoenix, AZ 85007

26 Copy of the foregoing sent by electronic
and regular mail this 8th day of August,
2019 to:

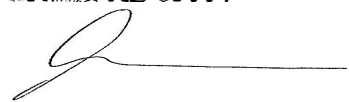
1 Joseph D. Ricchetti, RCP
2 Address and Email of Record

3 _____

4 Copy of the foregoing sent by inter
5 agency and electronic mail this 8th
6 day of August, 2019 to:

7 Mary Williams, AAG
8 Office of Arizona Attorney General
9 2005 N Central Ave
10 Phoenix, AZ 85004

11 Frankie Shinn-Eckberg, AAG
12 Office of Arizona Attorney General
13 2005 N Central Ave
14 Phoenix, AZ 85004

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