

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

In the Matter of:	)	<b>CASE NO. 2019-RCE-0143</b>
	)	<b>2019-RCE-0081</b>
<b>ROBERT A. STARR, RCP</b>	)	
Holder of License No. <b>009427</b>	)	<b>CONSENT AGREEMENT AND</b>
	)	<b>DISCIPLINARY ORDER</b>
For 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), Robert A. Starr, RCP (“Respondent”), holder of license number 009427 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 Disciplinary Order for Voluntary Surrender of License (“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 he 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

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 number 2019-RCE-0143, 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

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 for Cause  
7 constitutes a disciplinary action with the same force and effect of a license Revocation.  
8 Respondent agrees 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  
10 the 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  
17  
18 DATED: 6/24/2019

SIGNED:   
Robert A. Starr, Respondent

19  
20 **FINDINGS OF FACT**

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

25 2. Robert A. Starr, RCP, is the holder of License Number 009427, which enables  
26 him to practice respiratory care in the State of Arizona.



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

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

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

13         7.       The conduct described in the Findings of Fact, if proven true, may constitute  
14 grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of  
15 A.A.C. R4-45-214 (1), which states, “Engaging in the practice of respiratory care in a manner  
16 that harms or may harm a patient or that the Board determines falls below the community  
17 standard.”

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

23         9.       The conduct described in the Findings of Fact, if proven true, may constitute  
24 grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of  
25 A.A.C. R4-45-214 (8) which states, “Committing an act of sexual abuse, misconduct,  
26 harassment, or exploitation.”

1 10. The conduct described in the Findings of Fact, if proven true, may constitute  
2 grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of  
3 A.A.C. R4-45-214 (10) which states, "Abandoning or neglecting a patient, including leaving a  
4 respiratory assignment before properly advising supervisory personnel."

5 11. The conduct described in the Findings of Fact, if proven true, may constitute  
6 grounds for disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of  
7 A.A.C. R4-45-214 (12) which states, "Using or being under the influence of alcohol, illegal  
8 drugs or substances, or drugs or substances that impair judgment while on duty in any health care  
9 work location."

10 **ORDER**

11 **IT IS HEREBY ORDERED THAT** License Number 009427 issued to Robert A. Starr,  
12 RCP shall be **VOLUNTARILY SURRENDERED FOR CAUSE** upon the signing of this  
13 Order by the Executive Director of the Board at the approval of the Board.

14 **IT IS FURTHER ORDERED** that Robert A. Starr may not apply to the Board for  
15 reinstatement of his license for at least one calendar year from the issuance date of this Order, as  
16 specified in A.R.S. § 32-3554 (A) and (B).



ARIZONA STATE BOARD OF RESPIRATORY CARE

\_\_\_\_\_  
Jack Confer, Executive Director

DATED THIS 28<sup>th</sup> DAY OF JUNE, 2019.

23 Original Consent Agreement for Findings  
24 of Fact, Conclusions of Law and  
25 Disciplinary Order filed this  
28<sup>th</sup> day of June, 2019 with the:

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

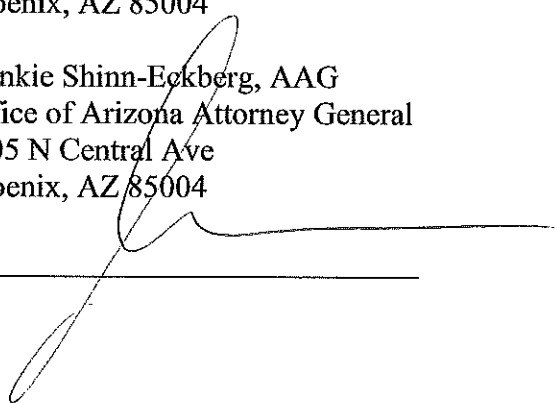
1 Copy of the foregoing sent by electronic  
and regular mail this 28<sup>th</sup> day  
2 of June, 2019 to:

3 Robert A. Starr  
Address on Record

4  
5 Copy of the foregoing sent by inter  
agency and electronic mail this 28<sup>th</sup>  
6 day of October, 2018 to:

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

9  
10 Frankie Shinn-Eckberg, AAG  
Office of Arizona Attorney General  
2005 N Central Ave  
11 Phoenix, AZ 85004



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

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