

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

In the Matter of:) **CASE NO. 2018-RCE-0168**
)
JAMES D. ROBINSON, RCP) **CONSENT AGREEMENT FOR**
Holder of License No. **010946**) **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), James D. Robinson, RCP (“Respondent”), holder of license number 010946 to practice respiratory care in the State of Arizona, and the Board enter into the following Consent Agreement for Non-Disciplinary 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 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 any other administrative, and/or judicial action concerning the matters set forth herein.

1 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and
2 any modifications to this original document are ineffective and void unless mutually approved
3 by the parties in writing.

4 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
5 of this agreement under A.R.S. §§ 32-3552 and 32-3553. Respondent understands that the
6 Board may consider this Consent Agreement or any part of it in any future disciplinary action
7 against him.

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
13 for the final disposition of case numbers 2019-RCE-0168, and any related administrative
14 proceedings or civil litigation involving the Board and Respondent. Respondent further
15 understands that acceptance of the Consent Agreement does not preclude any other agency,
16 subdivision, or officer of this state from instituting other civil or criminal proceedings with
17 respect to the conduct that is the subject of this Consent Agreement.

18 6. The Consent Agreement shall be subject to adoption by the Board and shall be
19 effective only when signed by the Chairperson of the Board or the Executive Director of the
20 Board, on behalf of the Chair. In the event that the Board does not adopt this Consent
21 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
22 introduced in any action by any party. The parties agree that if the Board rejects this Consent
23 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board
24 was prejudiced by its review and discussion of this document or any other records relating
25 thereto.

26 7. Respondent understands that this Consent Agreement is a public record that may

1 be publicly disseminated as a formal action of the Board.

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

4 **FINDINGS OF FACT**

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

8 2. James D. Robinson, RCP (“Respondent”), is the holder of License Number
9 010946 which enables him to practice respiratory care in the State of Arizona.

10 3. Respondent’s license to practice respiratory care was originally issued in May 17,
11 2013 and expires on June 15, 2021.

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

14 5. Respondent allowed his license to expire on June 15, 2019. Respondent
15 submitted a late renewal application on June 20, 2019. On his Affidavit, Respondent self-
16 disclosed that he had practiced respiratory care without the benefit of holding an active and valid
17 license.

18 **CONCLUSIONS OF LAW**

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

24 2. The conduct described in the Findings of Fact constitute grounds for disciplinary
25 action pursuant to A.R.S. §§ 32-3552(A)(3) and violate the provisions of A.R.S. § 32-
26

1 3501(10)(k), which states, "Violating or attempting to violate, directly or indirectly, or assisting
2 in or abetting the violation of or conspiring to violate a provision of this chapter."

3
4 DATED: 10/1/19

SIGNED: 

James D. Robinson, RCP

6 **ORDER**

7 **IT IS HEREBY ORDERED THAT** James D. Robinson, RCP, holder of license number
8 010946, shall be assessed a **CIVIL PENALTY** in the amount of **ONE HUNDRED AND**
9 **00/100 DOLLARS (\$100.00)**. This Civil Penalty shall be paid to the Arizona State Board of
10 Respiratory Care Examiners by no later than **NINETY (90) DAYS** from the effective date of this
11 Order.

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SEAL

ARIZONA STATE BOARD OF RESPIRATORY CARE

Jack Confer, Executive Director

DATED THIS 7th DAY OF October 2019.

Original Consent Agreement for
Non-Disciplinary Civil Penalty
filed this 7th day of October 2019 with the:

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

Copy of the foregoing sent by electronic,
Regular and certified mail this 7th
day of October 2019 to:

James D. Robinson, RCP
Address on Record

