

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

3 In the Matter of:) **CASE NO. C003876-18-011992**
4)
5 **CLAY SAWYER, RCP**) **CONSENT AGREEMENT FOR**
6 **HOLDER OF LICENSE NO. 011992**) **FINDINGS OF FACT, CONCLUSIONS**
7) **OF LAW AND NON-DISCIPLINARY**
8 **FOR THE PRACTICE OF**) **ORDER FOR CONTINUING**
9 **RESPIRATORY THERAPY IN THE**) **EDUCATION AND CIVIL PENALTY**
10 **STATE OF ARIZONA**)

11 **CONSENT AGREEMENT**
12 **RECITALS**

13 In the interest of a prompt and judicious settlement of the above-captioned matter before
14 the Arizona State Board of Respiratory Care Examiners (“Board”), and in the interest of protecting
15 the people of the State of Arizona, consistent with the statutory requirements and responsibilities
16 of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1061(D), Clay Sawyer, RCP
17 (“Respondent”), holder of license number 011992 to practice respiratory care in the State of
18 Arizona, and the Board elect to enter into the following Consent Agreement for Findings of Fact,
19 Conclusions of Law, and Order for Non-Disciplinary Continuing Education and Civil Penalty
20 (“Consent Agreement”) as part of the final disposition of this matter.

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

26 2. Respondent understands that they have 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 or her.

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 number C003876-18-011992, 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. Based on the evidence before it, the Board found that Respondent has failed to
4 submit documentation that demonstrated compliance with the continuing education mandate
5 during the last renewal period. Respondent was unable to submit 20 hours of approved continuing
6 education as required.

7 **CONCLUSIONS OF LAW**

8 1. The Board of Respiratory Care Examiners of the State of Arizona possesses
9 jurisdiction over this matter and this Licensee pursuant to A.R.S. § 32-3501, et seq.

10 2. 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.A.C. R4-45-208 (1),
12 which states in pertinent part, "A respiratory care practitioner shall acquire 20 CEUs during every
13 two-year licensure period. To renew a license, a respiratory care practitioner shall report
14 compliance with the continuing education requirement. A respiratory care practitioner shall submit
15 documentation showing evidence of compliance only if requested by the Board."

16 **ORDER**

17 1. **IT IS HEREBY ORDERED THAT** Clay Sawyer, RCP, holder of License No.
18 011992 shall be subject to the following:

19 1. Respondent shall pay a Civil Penalty in the amount of \$125.00 within NINETY
20 (90) days of the effective date of this Order. [\$25.00 per hour]

21 2. Respondent shall submit five (5) hours of approved continuing education that will
22 be applied toward the last renewal period and may not be utilized for the current renewal period
23 within NINETY (90) days of the effective date of this Order.

24 
25 Clay Sawyer, RCP

26 DATED THIS 13th DAY OF April 2018.

ARIZONA STATE BOARD OF RESPIRATORY CARE



[Handwritten signature]

Jack Confer, Executive Director

DATED THIS 16th DAY OF APRIL 2018.

Original Consent Agreement for Findings
of Fact, Conclusions of Law and Non-
Disciplinary Order for Continuing
Education and Civil Penalty filed this
16th day of APRIL 2018 with the:

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

Copy of the foregoing sent by electronic
and regular mail this 16th day
of APRIL 2018 to:

Clay Sawyer, RCP
Address on Record

[Handwritten signature]