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BEFORE THE ARIZONA STATE BOARD OF
RESPIRATORY CARE EXAMINERS

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In the Matter of:)	CASE NO. 2018-RCE-0068
)	
XIAOJUN TANG, RCP)	CONSENT AGREEMENT AND
Holder of License No. 011901)	DISCIPLINARY ORDER
)	
For the Practice of Respiratory Care)	
In the State of Arizona)	
)	

CONSENT AGREEMENT

RECITALS

9 In the interest of a prompt and judicious settlement of the above-captioned matter before
10 the Arizona State Board of Respiratory Care Examiners ("Board") and in the interest of
11 protecting the people of the State of Arizona, consistent with the statutory requirements and
12 responsibilities of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07
13 (F)(5), Xiaojun Tang, RCP ("Respondent"), holder of license number 011901 to practice
14 respiratory care in the State of Arizona, and the Board enter into the following Consent
15 Agreement for Findings of Fact, Conclusions of Law, and Disciplinary Order for Decree of
16 Censure ("Consent Agreement") as the final disposition of this matter.

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

22 2. Respondent understands that she has a right to a public administrative hearing
23 concerning each and every allegation set forth in the above-captioned matter, at which time
24 Respondent could present evidence and cross-examine witnesses. By entering into this Consent
25 Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative
26 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 her.

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 2018-RCE-0068, 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. The Consent Agreement shall be subject to adoption by the Board and shall be
20 effective only when signed by the Chairperson of the Board or the Executive Director of the
21 Board, on behalf of the Chair. In the event that the Board does not adopt this Consent
22 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
23 introduced in any action by any party. The parties agree that if the Board rejects this Consent
24 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board
25 was prejudiced by its review and discussion of this document or any other records relating
26 thereto.

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1 7. Respondent understands that a Decree of Censure constitutes disciplinary action.
2 Respondent further understands that any disciplinary action taken against a licensee by the
3 Board must be reported to the National Practitioner Data Bank, in accordance with federal
4 regulations.

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 DATED: 01-04-2019 SIGNED: 
11 RCP Xiaojun Tang, Respondent
12

13 **FINDINGS OF FACT**

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

17 2. Xiaojun Tang, RCP, is the holder of License Number 011901, which enables her
18 to practice respiratory care in the State of Arizona

19 3. Respondent's license was originally issued on May 18, 2016 and expires on
20 January 31, 2020.

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

23 5. On September 4, 2018, Respondent was placed on Final Warning – Step III for
24 violating Honor Health Policy AD1800. Specifically, Respondent inappropriately viewed a co-
25 worker's medical record out of curiosity after receiving training on the subject of HIPAA and
26 patient privacy on September 29, 2017.

1 6. Respondent appeared before the Board on December 20, 2018 and timely filed a
2 response stating that, “I acknowledged my wrong doing. I do not have any bad intention against
3 to this patient at all. I did not share any information about this patient to anybody. And I promise
4 I will not do this again in the future.”

5 **CONCLUSIONS OF LAW**

6 1. The conduct described in the Findings of Fact constitutes grounds for disciplinary
7 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(g),
8 which states, “Immorality or misconduct that tends to discredit the respiratory therapy
9 profession.”

10 2. The conduct described in the Findings of Fact constitutes grounds for disciplinary
11 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(i),
12 which states, “Any conduct or practice which is contrary to the recognized standards of ethics of
13 the respiratory therapy profession or any conduct or practice which does or might constitute a
14 danger to the health, welfare or safety of the patient or the public.”

15 3. The conduct described in the Findings of Fact constitutes grounds for disciplinary
16 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3501(9)(k),
17 which states, “Violating or attempting to violate, directly or indirectly, or assisting in or abetting
18 the violation of or conspiring to violate a provision of this chapter.”

19 4. The conduct described in the Findings of Fact constitutes grounds for disciplinary
20 action pursuant to A.R.S. § 32-3552(A)(3) and violates the provisions of A.A.C. R4-45-214 (1),
21 which states, “Engaging in the practice of respiratory care in a manner that harms or may harm a
22 patient or that the Board determines falls below the community standard.”

23 5. The conduct described in the Findings of Fact constitutes grounds for disciplinary
24 action pursuant to A.R.S. § 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (6),
25 which states, “Endangering a patient’s or the public’s physical or emotional health or safety or
26 engaging in conduct or practice that may reasonable be expected to do so.”

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1 6. The conduct described in the Findings of Fact constitutes grounds for disciplinary
2 action pursuant to A.R.S. § 32-3552(A)(3) and violate the provisions of A.A.C. R4-45-214 (9),
3 which states, "Acting in a manner that the Board determines, based on community standards,
4 constitutes incompetence, gross negligence, repeated negligence, or negligence that results in the
5 harm or death of a patient."

6 **ORDER**

7 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
8 **ORDERED THAT** License No. 011901 held by Xiaojun Tang, RCP, shall be **CENSURED**.
9 This Decree of Censure constitutes an official action against the license held by RCP Tang.



11 DATED THIS 8TH DAY OF DECEMBER, 2018.
12 ARIZONA BOARD OF RESPIRATORY CARE EXAMINERS

14 _____
15 John Confer
16 Executive Director

17
18 Original Consent Agreement and
19 Order for Decree of Censure filed
20 this 8TH day of December, 2018 with the:

21 Arizona Board of Respiratory Examiners
22 1740 West Adams Street, Suite 3406
23 Phoenix, Arizona 85007

24 Copy of the foregoing sent by Certified,
25 Electronic, and Regular mail this 8TH day
26 of December, 2018 to:

Xiaojun Tang
Address of Record