

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

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 number 2018-RCE-0066, 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21 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor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 a Decree of Censure constitutes disciplinary action.
Respondent further understands that any disciplinary action taken against a licensee by the

1 Board must be reported to the National Practitioner Data Bank, in accordance with federal
2 regulations.

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

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

8 DATED: 11/27/18

SIGNED: Emily Taylor
RCP Emily Taylor, Respondent

10
11 **FINDINGS OF FACT**

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

15 2. Emily Taylor, RCP, is the holder of License Number 012086, which enables her to
16 practice respiratory care in the State of Arizona

17 3. Respondent's license was originally issued on September 23, 2016 and expires on
18 February 10, 2020.

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

21 5. On September 6, 2018, Respondent was placed on Final Warning – Step III for
22 violating Honor Health Policy AD1800. Specifically, Respondent inappropriately viewed a co-
23 worker's medical record out of curiosity after receiving training on the subject of HIPAA and
24 patient privacy on September 29, 2017 and August 16, 2018.

25 6. The Board timely received a response from Respondent stating that, "Since this
26 incident, I have been better educated by my superiors on who does and does not qualify as my
patient. This is my first year working as a Respiratory Therapist, and I misunderstood and

1 thought that because I was assigned to the area in which my co-worker was hospitalized. That I
2 could view her chart without violating the HIPAA laws. I now know that what I did was wrong
3 and take full responsibility for my actions. I looked at my co-worker's chart out of pure concern
4 and to make sure she was okay. I have learned my lesson and I will not make this same mistake
5 again."

6 CONCLUSIONS OF LAW

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

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

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

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

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

1 7. 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."

ORDER

6 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY**
7 **ORDERED THAT** License No. 012086 held by Emily Taylor, RCP, shall be **CENSURED**.

8 This Decree of Censure constitutes an official action against the license held by RCP Taylor.



DATED THIS 3RD DAY OF DECEMBER, 2018.
ARIZONA BOARD OF RESPIRATORY CARE EXAMINERS

John Confer
Executive Director

13 Original Consent Agreement and
14 Order for Decree of Censure filed
15 This 3rd day of December, 2018 with the:

16 Arizona Board of Respiratory Examiners
17 1740 W. Adams St., Suite 3406
18 Phoenix, Arizona 85007

19 Copy of the foregoing sent by Certified,
20 Electronic, and Regular mail this ____ day
21 of December 2018 to:

22 Emily Taylor
23 Address of Record

24 Copy of the foregoing sent by
25 Electronic mail this 3rd day of
26 December 2018 to:

Frankie Shinn-Eckberg
Assistant Attorney General
Office of Arizona Attorney General
1275 West Washington
Phoenix, AZ 85007