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

In the Matter of:) **CASE NO. 2018-RCE-0041**
)
4 **LUIS E. VERDUGO, RCP**) **CONSENT AGREEMENT AND**
Holder of License No. **012386**) **NON-DISCIPLINARY ORDER**
)
For the Practice of Respiratory Care)
6 In the State of Arizona)
_____)

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CONSENT AGREEMENT

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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), Luis E. Verdugo, RCP (“Respondent”), holder of license number 012386 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 Order for Non-Disciplinary Civil Penalty (“Consent Agreement”) as the final disposition of this matter.

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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.

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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 numbers 2018-RCE-0041, 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.

1 7. Respondent understands that this Consent Agreement is a public record that may
2 be publicly disseminated as a formal action of the Board.

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

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7 DATED: 05/25/2019

SIGNED: 
RCP Luis E. Verdugo, Respondent

8 FINDINGS OF FACT

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

12 2. Luis E. Verdugo, RCP ("Respondent"), is the holder of License Number 012386
13 which enables him to practice respiratory care in the State of Arizona.

14 3. Respondent's license to practice respiratory care was originally issued in July 24,
15 2017 and expires on September 17, 2020.

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

18 5. On or about March 5, 2018, Respondent was arrested and charged with Driving
19 Under the Influence. On April 3, 2018, Respondent pleaded guilty and subsequently made a self-
20 report to the Board on August 23, 2018 on his renewal application, outside of the mandatory ten
21 (10) day reporting requirement prescribed by law.

22 CONCLUSIONS OF LAW

23 The conduct described in the Findings of Fact constitutes grounds for disciplinary action
24 pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of A.R.S. § 32-3208(A) which
25 state, "A health professional who has been charged with a misdemeanor involving conduct that
26 may affect patient safety or a felony after receiving or renewing a license or certificate must

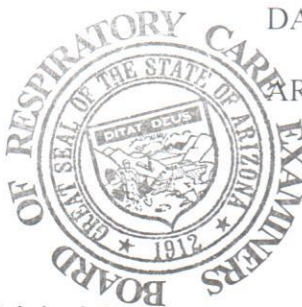
1 notify the health professional's regulatory board in writing within ten working days after the
2 charge is filed.”

3 **ORDER**

4 **IT IS HEREBY ORDERED THAT** Luis E. Verdugo, RCP, holder of License Number
5 012386, shall be assessed a non-disciplinary **CIVIL PENALTY** in the amount of **TWO**
6 **HUNDRED FIFTY AND 00/100 DOLLARS (\$250.00)**. This Civil Penalty shall be paid to the
7 Arizona State Board of Respiratory Care Examiners by no later than **NINETY (90) DAYS** from
8 the effective date of this Order.

9 If Respondent is experiencing a hardship that requires payment of the Civil Penalty in
10 increments or an extension of the Civil Penalty due date, please contact the Board offices at
11 (602) 542-5995 to make alternative arrangements **NO LATER THAN THIRTY (30) DAYS** from
12 the effective date of this Order.

13 DATED THIS 15th FEBRUARY DAY OF JANUARY, 2019.



14 ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

15 By: _____
16 Jack Confer, Executive Director

17 Original Consent Agreement and
18 Nondisciplinary Order filed this
19 15th day JANUARY, 2019 with the:

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

24 Copy of the foregoing send by Electronic,
25 Certified and Regular mail this 15th day
26 of JANUARY, 2019 to:

FEBRUARY
Luis E. Verdugo
Address of Record