



1 screen in March. Ellen Steele, BSN Manager Employee Health, provided the following  
2 statement: "PJ found the small warmer on the floor after Karen had left the bathroom after giving  
3 her first sample. The 1<sup>st</sup> sample was slightly warm barely registering on the scale, she had the  
4 hand warmer. The 2<sup>nd</sup> sample showed no temperature change, it was not warm; she no longer had  
5 the hand warmer. We have both fake urine samples, we have the blood sample." According to  
6 the test results, the urine sample was rejected for testing due to the specimen temperature not  
7 being within reference range at time of collection and the blood sample was accepted for  
8 processing and resulted in a positive test for methamphetamines.

9 6. Respondent's history with the Board includes a February 7, 2005 revocation order  
10 for license number 1451 regarding an issue of patient abandonment and an August 27, 2008 non-  
11 disciplinary rehabilitative probation order for license number 8713 regarding a self-disclosure of  
12 past methamphetamine abuse.

13 7. The Board reviewed the preliminary investigative materials and based on the  
14 findings, the Board was concerned that Respondent's continued practice as a respiratory therapist  
15 at this time might endanger the public health, safety, or welfare.

16 8. The Board discussed these allegations at its Regular Board Meeting on April 18,  
17 2019 and found that the protection of the public health, safety or welfare imperatively required  
18 emergency action due to the egregious nature of Respondent's conduct and the potential harm to  
19 the public's health, safety or welfare.

#### 20 CONCLUSIONS OF LAW

21 1. The Board of Respiratory Care Examiners of the State of Arizona possesses  
22 jurisdiction over this subject matter and Respondent pursuant to A.R.S. § 32-3501, *et seq.*

23 2. The Board has the authority to issue an Interim Order of Summary Suspension of  
24 License and conduct an administrative hearing to determine whether Respondent's license to  
25 practice respiratory care should be disciplined pursuant to A.R.S. § 32-3553(E), in conjunction  
26 with A.R.S. § 32-3552(A).

1           3.       The Board has the statutory authority to enter this Interim Order for Summary  
2 Suspension of License pursuant to A.R.S. §§ 41-1064(C) and 32-3553(E).

3           4.       Based upon the evidence and information known to the Board regarding  
4 allegations set forth above in the paragraphs above, the Board finds that to protect the public's  
5 health, welfare or safety, it is necessary to invoke the Board's authority, pursuant to A.R.S. § 32-  
6 3553(E), to summarily suspend the license issued to Karen Warner to practice respiratory care in  
7 the State of Arizona.

8           5.       Respondent's conduct as alleged, if subsequently established to be true after  
9 formal hearing, constitutes grounds for disciplinary action pursuant to violations of:

- 10           a.       A.R.S. § 32-3552(A)(3)       Commits an act of unprofessional conduct.
- 11           b.       A.R.S. § 32-3501(9)(c)       Illegal use of narcotic or hypnotic drugs or  
12 substances.
- 13           c.       A.R.S. § 32-3501(9)(g)       Immorality or misconduct that tends to discredit the  
14 respiratory therapy profession.
- 15           d.       A.R.S. § 32-3501(9)(i)       Any conduct or practice which is contrary to  
16 recognized standards of ethics of the respiratory therapy profession or any  
17 conduct or practice which does or might constitute a danger to the health, welfare  
18 or safety of the patient or the public.
- 19           e.       A.R.S. § 32-3501(9)(j)       Any conduct, practice or condition which does or  
20 might impair the person's ability to safely and skillfully practice respiratory  
21 therapy.
- 22           f.       A.R.S. § 32-3501(9)(k)       Violating or attempting to violate, directly or  
23 indirectly, or assisting in or abetting the violation of or conspiring to violate a  
24 provision of this chapter.
- 25
- 26

- 1 g. A.R.S. § 32-3501(9)(l) Failing to report to the board within ten calendar  
2 days an incident or incidents that appear to show the existence of a cause for  
3 disciplinary action or that a licensed respiratory care practitioner is or may be  
4 professionally incompetent or is or may be mentally or physically unable to  
5 engage safely in the practice of respiratory care.
- 6 h. A.A.C. R4-45-214 (1) Engaging in the practice of respiratory care in a  
7 manner that harms or may harm a patient or that the Board determines falls below  
8 the community standard.
- 9 i. A.A.C. R4-45-214(6) Endangering a patient's or the public's physical or  
10 emotional health or safety or engaging in conduct or practice that may be  
11 reasonably expected to do so.
- 12 j. A.A.C. R4-45-214 (12) Using or being under the influence of alcohol,  
13 illegal drugs or substances, or drugs or substances that impair judgment, while on  
14 duty in any health care work location.

15 **ORDER**

16 **THEREFORE**, based upon the evidence and information known to the Board regarding  
17 the allegations set forth above, the Board finds that in order to protect the public health, welfare  
18 or safety, it is necessary to invoke the Board's authority, pursuant to A.R.S. § 32-3553 (E), to  
19 summarily suspend Respondent's license to practice respiratory care.

20 **IT IS HEREBY ORDERED** that License Number 008713, issued to and held by Karen  
21 Walker is hereby **SUMMARILY SUSPENDED** from the **PRACTICE OF RESPIRATORY**  
22 **CARE**, effective immediately upon issuance of this Order.

23 **NOTICE**

24 Pursuant to A.R.S. § 32-3553(E) the Respondent is entitled to a formal hearing before the Board  
25 on the charges within sixty (60) days. The Respondent shall be served with a written notice of  
26 complaint and formal hearing, setting forth the charges made against her as required by

1 the operative statute and rule.

2  
3 **ARIZONA STATE BOARD OF RESPIRATORY CARE**

4 SEAL



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John Confer  
Executive Director

DATED THIS 22<sup>nd</sup> DAY OF APRIL, 2019.

9 Original Interim for Summary  
10 Suspension filed this 22<sup>nd</sup> day of  
11 April, 2019 with the:

11 Arizona Board of Respiratory Examiners  
12 1740 West Adams, Suite 3406  
13 Phoenix, AZ 85007

13 Copies of the foregoing sent by certified,  
14 regular and electronic mail this 22<sup>nd</sup> day  
15 of April, 2019 to:

15 Karen Warner  
16 Address on Record & Email

17 Copy of the foregoing sent by inter  
18 agency and electronic mail this 22<sup>nd</sup>  
19 day of April, 2019 to:

19 Frankie Shinn-Eckberg, AAG  
20 Office of Arizona Attorney General  
21 2005 N. Central Ave  
22 Phoenix, AZ 85004  


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