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3 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or
4 any other administrative, and/or judicial action concerning the matters set forth herein.
5 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable and any
6 modifications to this original document are ineffective and void unless mutually approved by
7 the parties in writing.

8 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
9 of this agreement under A.R.S. §§ 32-3552 and 32-3553. Respondent understands that the
10 Board may consider this Consent Agreement or any part of it in any future disciplinary action
11 against the Respondent.

12 4. Respondent understands that this Consent Agreement does not constitute a
13 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
14 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action, or proceeding.

16 5. All admissions Respondent makes in this Consent Agreement are made solely
17 for the final disposition of case number 2021-RCE-0195, and any related administrative
18 proceedings or civil litigation involving the Board and Respondent.

19 6. Notwithstanding any language in this Consent Agreement and Order, this
20 Consent Agreement and Order does not preclude in any way any other State agency or officer
21 or political subdivision of this state from instituting proceedings, investigating claims, or taking
22 legal action as may be appropriate now or in the future relating to this matter or other matters
23 concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud
24 Act. Respondent acknowledges that, other than with respect to the Board, this Consent
25 Agreement and Order makes no representations, implied or otherwise, about the views or
26 intended actions of any other state agency or officer or political subdivisions of the State
relating to this matter or other matters concerning Respondent.

 7. The Consent Agreement shall be subject to adoption by the Board and shall be
effective only when signed by the Chairperson of the Board or the Executive Director of the

APR 18 2022

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

In the Matter of:)	CASE NO. 2021-RCE-0195
)	
Justine Stuart, RCP)	CONSENT AGREEMENT AND
Holder of License No. 045116)	DISCIPLINARY ORDER
)	
For the Practice of Respiratory Care)	
In the State of Arizona)	
)	

CONSENT AGREEMENT

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Respiratory Care Examiners (the "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), Justine Stuart, RCP ("Respondent"), holder of license number 011091 and 045116 to practice respiratory care in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law, and Disciplinary Order (collectively, "Consent Agreement") as the final disposition of this matter.

RECITALS

Respondent understands and agrees that:

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.

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

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3 5. Under A.R.S. § 32-3525, the Board may renew an expired license within ninety
4 days of license expiration if the applicant has complied with all late renewal application
5 requirements and paid the application and renewal fees. Therefore, Respondent was required to
6 renew her license on or before July 9, 2021 to comply with the late renewal timeframe.

7 6. However, Respondent failed to renew her license during the late renewal
8 timeframe and, on or about August 16, 2021, she submitted a new application for licensure.

9 7. Respondent indicated in her application she had been working continuously since
10 her previous license expired on April 10, 2021.

11 8. The Board approved Respondent's current license on September 29, 2021, but
12 also opened Case No. 2021-RCE-0195 against Respondent regarding her admitted practice of
13 Respiratory care while her previous license was expired.

14 9. The Board considered Case No. 2021-RCE-0195 at its Regular Board Meeting on
15 March 17, 2022. Respondent was present for the meeting and addressed the Board.

16 10. At the meeting, Respondent admitted to practicing respiratory care in the state of
17 Arizona without an active license for approximately four months between the time her previous
18 license expired and her current license was approved.

19 CONCLUSIONS OF LAW

20 1. The conduct described in the Findings of Fact violate the provisions of A.R.S. §
21 32-3556(1) (making it unlawful for a person to “[e]ngage in the practice of respiratory care
22 unless he [or she] is licensed or excepted from licensure” pursuant to the Board’s statutes and
23 rules) and therefore constitutes grounds for disciplinary action pursuant to A.R.S. §§ 32-
24 3552(A)(3) and 32-3501(9)(k).

25 ORDER

26 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY
ORDERED THAT** Justine Stuart, RCP, holder of License Number 045116 (“Respondent”),
shall be subject to the following:

1. Respondent shall be assessed a **CIVIL PENALTY** of **FIVE HUNDRED**

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Board, on behalf of the Chair. In the event that the Board does not adopt this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party. The parties agree that if the Board rejects this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any other records relating thereto.

8. Respondent understands that this Consent Agreement constitutes disciplinary action. Respondent further understands that any disciplinary action taken against a licensee by the Board must be reported to the National Practitioners Data Bank, in accordance with federal regulations.

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

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

DATED: 4/8/22

SIGNED: 
Justine Stuart, RCP, Respondent

FINDINGS OF FACT

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

2. The Board possesses jurisdiction over the subject matter and over Respondent as a licensee of the Board pursuant to A.R.S. § 32-3501 *et seq.*

3. Respondent is currently the holder of License Number 045116, which enables her to practice respiratory care in the State of Arizona.

4. Respondent's previous license to practice respiratory care in Arizona – License Number 011091 – was originally issued on December 3, 2013 and continuously renewed until it expired on April 10, 2021.

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Justin Larson, AAG
Office of the Arizona Attorney General
2005 North Central Ave, SGD/LES
Phoenix, Arizona 85004
Attorney for the Board

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3 **DOLLARS (\$500.00)** for working on an expired license for approximately four (4) months.
4 This Civil Penalty shall be paid to the Arizona State Board of Respiratory Care Examiners by
5 no later than **NINETY (90) DAYS** from the effective date of this Order. If Respondent is
6 experiencing a financial hardship that requires payment of the Civil Penalty in increments or
7 an extension of the Civil Penalty due date, please contact the Board offices at (602) 542-
8 5995 to make alternative arrangements **NO LATER THAN THIRTY (30) DAYS** from the
9 effective date of this Order.

10 2. This Consent Agreement is effective the date is signed by the Executive Director
11 on behalf of the Board's Chair.

12
13 DATED THIS 28th ^{April} DAY ~~MARCH~~, 2022.

14 ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

15
16 By: 
17 Dr. Charles Villafranca, DHA, FACHCA,
18 Executive Director

19 Original Consent Agreement and
20 Order filed this
21 28th day ~~March~~ ^{April}, 2022 with the:

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

24 Copy of the foregoing sent by Electronic,
25 Certified and Regular mail this 28th day
of ~~March~~ ^{April}, 2022 to:

26 Justine Stuart, RCP,
Address of Record
Respondent

Copy of the foregoing sent by
electronic mail this _____
day of ~~March~~ ^{April}, 2022 to: