

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

| | |
|---|---|
| 1 2 In the Matter of:) 3) 4 MELISSA LYN ARTHUR, RCP) Applicant for Licensure) 5 For the Practice of Respiratory Therapy) In the State of Arizona) 6) |) CASE NO. 2023-RCE-0053)) CONSENT AGREEMENT FOR) ISSUANCE OF A LICENSE AND) ORDER OF PROBATION |
|---|---|

7 1. In the interest of protecting the citizens of the State of Arizona, the Arizona Board
8 of Respiratory Examiners (“Board”) and Melissa Arthur (“Applicant or Respondent”) elect to enter
9 into this “Consent Agreement for Issuance of a License and Order of Probation” for approval of
10 her application for licensure while remaining consistent with the Board’s statutory mandate to
11 protect the public’s health safety and welfare.

12 2. The Board reviewed this application and supporting documentation at their October
13 26, 2023 public meeting. At the conclusion of the review, the Board voted to finalize this matter
14 as stated herein.

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

20 4. Respondent understands that she has a right to a public administrative hearing
21 concerning each and every allegation set forth in the above-captioned matter, at which time
22 Respondent could present evidence and cross-examine witnesses. By entering into this Consent
23 Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative
24 hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review, or any
25 other administrative, and/or judicial action concerning the matters set forth herein. Respondent
26 affirmatively agrees that this Consent Agreement shall be irrevocable and any modifications to
this original document are ineffective and void unless mutually approved by the parties in writing.

1 5. Respondent agrees that the Board may adopt this Consent Agreement or any part
2 of this agreement under A.R.S. §§ 32-3552 and 32-3553. Respondent understands that the Board
3 may consider this Consent Agreement or any part of it in any future disciplinary action against
4 her license.

5 6. Respondent understands that this Consent Agreement does not constitute a
6 dismissal or resolution of other matters currently pending before the Board, *if any*, and does not
7 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
8 regarding any other pending or future investigation, action, or proceeding. Furthermore, and
9 notwithstanding any language in this Consent Agreement, this Consent Agreement does not
10 preclude in any way any other state agency or officer or political subdivision of this state from
11 instituting proceedings, investigating claims, or taking legal action as may be appropriate now or
12 in the future relating to this matter or other matters concerning Respondent, including but not
13 limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other
14 than with respect to the Board, this Consent Agreement makes no representations, implied or
15 otherwise, about the views or intended actions of any other state agency or officer or political
16 subdivision of the state relating to this matter or other matters concerning Respondent.

17 7. All admissions Respondent makes in this Consent Agreement are made solely for
18 the final disposition of case number 2022-RCE-0031, and any related administrative proceedings
19 or civil litigation involving the Board and Respondent. Respondent agrees to issuance of the
20 following Order and waives all rights to a hearing, rehearing, appeal or judicial review relating
21 to this matter. Respondent further waives any and all claims or causes of action, whether known
22 or unknown, that Respondent may have against the State of Arizona, the Board, its members,
23 officers, employees and/or agents arising out of this matter.

24 8. The Consent Agreement shall be subject to adoption by the Board and shall be
25 effective only when signed by the Chairperson of the Board or the Executive Director of the
26 Board, on behalf of the Chair. In the event that the Board does not adopt this Consent Agreement,

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

5 9. Respondent understands that Probation constitutes disciplinary action. Respondent
6 further understands that any disciplinary action taken against a licensee by the Board must be
7 reported as required by law, including to the National Practitioner Data Bank, in accordance with
8 federal regulations.'

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

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

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted agency for licensing and regulating of the practice
15 of respiratory care in the State of Arizona and has jurisdiction over Respondent as a licensee of
16 the Board and the subject matter pursuant to A.R.S. § 32-3501, *et seq.*

17 2. Melissa Arthur, RCP, was the holder of is the holder of License Number 008808,
18 which enabled her to practice respiratory care until October 12, 2020. This license was revoked
19 by the Board on June 14, 2021.

20 3. Application Arthur applied for a new license on June 7, 2023. She appropriately
21 disclosed her prior disciplinary actions with this Board and provided updated information on her
22 treatment and recovery since 2021.

23 4. The Board conducted an application investigation pursuant to ARS. 32-3504 (A)(3)
24 and interviewed the applicant at their October 2023 Board Meeting.

25 5. Based on Respondent's statements to the Board, the Board voted to offer this
26 Consent Agreement and Disciplinary Order for Probation.

1 CONCLUSIONS OF LAW

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

7 ORDER OF PROBATION

8 **IT IS HEREBY ORDERED THAT** upon Melissa Arthur's signature on this consent
9 agreement, and acceptance by the Board, Melissa Arthur will be granted license number 046731.

10 **IT IS HEREBY FURTHER ORDERED THAT** Melissa Arthur, holder of license
11 number 046731, shall be placed on **PROBATION** for a period of **THREE (3) YEARS**,
12 commencing on the effective date of this Order and including the following terms:

13 **A. PARTICIPATION IN AA/NA**

14 Within seven (7) days of the effective date of this Order, and throughout the term
15 of this Order, Licensee shall participate in at least three (3) weekly meetings of
16 Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program. The
meetings must be on three separate days per week. Licensee shall submit to the
Board, in writing on Board approved forms, quarterly reports with the following
information:

- 17 1. Name of 12-Step Group
- 18 2. Name or initials of another individual in attendance at each meeting
- 19 3. Date and time of meeting
- 20 4. Location and address of meeting place
- 21 5. Name and phone number of organizing/administering person
- 22 6. Name and phone number of sponsor

23 **B. ABSTAIN FROM UNAUTHORIZED DRUG USE/PROOF OF
24 PRESCRIPTION**

- 25 1. Licensee shall not ingest or take any drugs or medications whatsoever
26 except for plain aspirin and/or plain acetaminophen), whether controlled
substances, prescription-only drugs or over-the-counter preparations,
unless such drug or medication was prescribed by a physician.
2. Licensee must have a current prescription for any prescription-only drugs
or over-the-counter preparations taken. Licensee shall provide a copy of
all mood-altering or controlled substance prescriptions written for the
licensee within 72 hours after the prescription has been filled. Further
Licensee shall provide the Board office with prescription information
relating to dosage and frequency within 72 hours.

1 **C. MANDATORY AND RANDOM DRUG TESTING**

- 2 1. Licensee shall comply immediately (i.e., within 2 hours) with telephonic,
3 electronic, or in person requests from the Board, or its agents or designees,
4 to submit to witnessed random biological fluid collection.
5 2. These tests must be, at a minimum, a 10-Panel that includes alcohol
6 screening. And, licensee shall authorize any person or organization
7 conducting tests on these collected samples to provide testing results to the
8 Board. Failure to provide and/or update contact information for
9 mandatory testing is a violation of this order.

10 **D. EMPLOYER NOTIFICATION**

- 11 1. Licensee shall inform current, and any future, employer(s) of this Order.
12 Licensee shall immediately provide current employer(s) with a copy of this
13 Order, and any future employer(s) with a copy of this Order at time of
14 application.
15 2. Licensee shall cause employer(s) to notify the Board, via email or
16 facsimile, when the employer(s) receive a copy of this Order.

17 **E. QUARTERLY REPORTS FROM EMPLOYER**

18 Licensee shall cause employer(s) to file reports with the Board on work
19 performance. These reports must be received by the 15th day of: March,
20 June, September and December.

21 **F. RELEASE OF INFORMATION FORMS**

22 Licensee shall sign all release of information forms as required by the
23 Board or its designee and return them to the Board within 10 days of the
24 Board's written request. If Licensee fails to execute the releases, license
25 holder shall be subject to disciplinary action.

26 **G. QUARTERLY INTERVIEWS WITH THE BOARD OR ITS DESIGNEE**

 Licensee shall appear in person or if residing out of state, telephonically
 for interviews with the Board or its designee upon request and reasonable
 notice.

**H. CHANGE OF EMPLOYMENT; PERSONAL ADDRESS; TELEPHONE
 NUMBER**

 Licensee shall notify the Board, in writing, immediately, via facsimile or
 email, of any change in employment, personal address or telephone
 number.

I. NOTIFICATION OF EXTENDED ABSENCES

 Licensee shall notify the Board, via facsimile or email, of any instance
 where he/she makes plans to be away from his/her place of employment or
 home for more than three (3) continuous days.

J. OBEY ALL LAWS

 Licensee shall obey all federal, state and local laws, and all laws/rules
 governing the practice of respiratory care in this state. Offenses or
 convictions such as driving under the influence may subject Licensee to
 further disciplinary action. Minor civil traffic violations are excluded.

1 **K. COSTS**

Licensee shall bear all costs of complying with this Order.

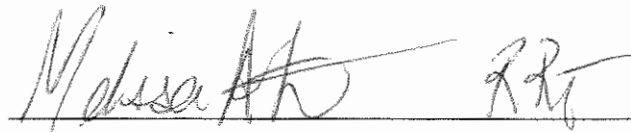
2 **L. RENEWAL OF LICENSE**

3 In the event the license is scheduled to expire during the duration of this
4 Order, Licensee shall apply for renewal of the license and pay the
5 applicable fee before the expiration date. Failure to renew within seven
6 days of the effective date of this Order, if it is expired; or failure to renew
a license by the scheduled expiration date; shall be considered as
noncompliance.

7 **M. DURATION**

8 This Order shall remain effective for three (3) years from the effective
9 date; and, after one (1) year, Licensee may apply to the Board to seek
modification of the Consent Order of Probation upon showing satisfactory
compliance with the Order during the period of probation.

10 Signature of Respondent

11
12 

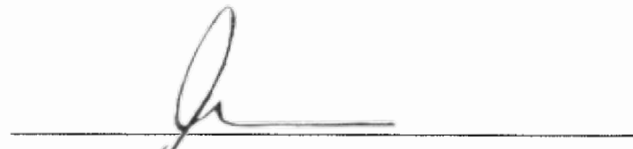
13
14 Melissa L. Arthur, Licensee

15 DATED THIS 14 DAY OF NOVEMBER, 2023.

16
17 **ARIZONA STATE BOARD OF RESPIRATORY CARE**

18 SEAL



22
23 
24 Jack Confer
25 Interim Executive Director

26 DATED THIS 27th DAY OF NOVEMBER 2023.

Original Consent Agreement For
Issuance of a License and Order of Probation filed
this 27th day of November 2023 with the:

Arizona Board of Respiratory Examiners
1740 West Adams, #3406
Phoenix, AZ 85007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Copy of the foregoing sent via Certified,
Regular and Electronic mail this 27th day
of November 2023 to:

Melissa Arthur, RCP
Address on Record

Copy of the foregoing sent via electronic
mail this 27th day of November 2023 to:

Elizabeth Campbell, AAG
Office of the Attorney General
CIV/LES