

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

3 In the Matter of:) **CASE NO. 2023-RCE-0058**
4)
5 **MARCUS A. THOMAS, RCP**)
6 Holder of License No. **46679**) **CONSENT AGREEMENT AND**
7) **DISCIPLINARY ORDER**
8 For the Practice of Respiratory Care)
9 In the State of Arizona)
10 _____)

11 **CONSENT AGREEMENT**

12 **RECITALS**

13 In the interest of a prompt and judicious settlement of the above-captioned matter before
14 the Arizona State Board of Respiratory Care Examiners (“Board”) and in the interest of protecting
15 the people of the State of Arizona, consistent with the statutory requirements and responsibilities
16 of the Board pursuant to A.R.S. § 32-3501, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Marcus A.
17 Thomas, RCP (“Respondent”), holder of license number 046679 to practice respiratory care in the
18 State of Arizona, and the Board enter into the following Consent Agreement for Findings of Fact,
19 Conclusions of Law, and Disciplinary Order for Decree of Censure and Civil Penalty (“Consent
20 Agreement”) as the final disposition of this matter.

21 1. Respondent has the right to consult with an attorney prior to entering into this
22 Consent Agreement. Respondent has read and understands this Consent Agreement as set forth
23 herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has
24 waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the
25 purpose of avoiding the expense and uncertainty of an administrative hearing.

26 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 the
4 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 Board
7 may consider this Consent Agreement or any part of it in any future disciplinary action against
8 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 for
14 the final disposition of case numbers **2023-RCE-0058**, 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 Agreement,
22 it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced
23 in any action by any party. The parties agree that if the Board rejects this Consent Agreement and
24 this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by
25 its review and discussion of this document or any other records relating thereto.

1 (1) which states, “. . . it is unlawful for a person to: engage in the practice of respiratory care unless
2 he is licensed or exempted from licensure pursuant to this chapter.”

3 2. The conduct described in the Findings of Fact constitute grounds for disciplinary
4 action pursuant to A.R.S. §§ 32-3552 (A)(3) and violate the provisions of A.R.S. § 32-3501(10)(k),
5 which states, “Violating or attempting to violate, directly or indirectly, or assisting in or abetting
6 the violation of or conspiring to violate a provision of this chapter.”

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11 Marcus A. Thomas, RCP


12 **ORDER**

13 **IT IS HEREBY ORDERED THAT** Marcus A. Thomas, RCP, holder of License No.
14 046679, shall be subject to the following:

15 1. Respondent shall be issued a **DECREE OF CENSURE**.



ARIZONA STATE BOARD OF RESPIRATORY CARE

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22 _____
23 Jack Confer, Executive Director

DATED THIS 19th TH OF JANUARY 2024.

24 Original Disciplinary Order for Decree of
25 Censure filed this 19th day
26 of January 2024 with the:

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

Copy of the foregoing sent by certified,
electronic, and regular mail this
19th day of January 2024 to:

1 Marcus A. Thomas, RCP
Address on Record

2 Copy of the foregoing sent by inter-
3 Agency mail this 19th day of
January 2024 to:

4 Elizabeth Campbell, Assistant Attorney General

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