

GUIDELINES FOR CASES WHERE A RESPIRATORY THERAPIST IS CONVICTED OF A FELONY OFFENSE

ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS GUIDELINES FOR CASES WHERE A LICENSED RESPIRATORY THERAPIST IS CONVICTED OF A FELONY OFFENSE

ARS 41-1091 (B)

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Az. Administrative procedure act. If you believe that this substantive policy statement does impose additional or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

Each case must be reviewed individually.

Arizona law states:

A.R.S. §32-3523. Qualifications:

- A.** An applicant for a license shall:
 - 1. Be a high school graduate or the equivalent as prescribed by the board by rule.
 - 2. Be a graduate of a respiratory therapy training program.
 - 3. Pass a written examination approved by the board or be eligible to take a written examination pursuant to section 32-3522.
 - 4. Not have committed acts or crimes which constitute grounds for denial of a license or disciplinary action pursuant to section 32-3552.**

§32-3552. Grounds for denial of licenses or disciplinary action; appeal

- A.** The board may deny an application for a license or take disciplinary action pursuant to section 32-3553 if the applicant or licensee:
 - 1. Makes a material misrepresentation on an application or procures a license by fraud.

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2. Negligently or knowingly employs an unlicensed person who represents himself as a licensed respiratory care practitioner.
3. Commits an act of unprofessional conduct.
4. **Is convicted of a felony if the conviction has not been set aside by the court. Conviction by a court of competent jurisdiction is presumptive evidence that the person committed the felony.**

For License Applicants:

Class 6 or Undesignated Felony:

A Temporary License will not be issued unless and until an Applicant provides documentation to the Board that he or she has had her felony conviction(s) set aside and civil rights restored.

If an individual fails to document restoration of civil rights after a felony conviction, he or she is ineligible to be considered for the granting of a license.

Class 1 through Class 5 Felony:

A Temporary License will not be issued.

An individual who cannot document restoration of civil rights after a felony conviction is ineligible to be considered for the granting of a license.

For Current License Holders:

Class 6 or Undesignated Felony:

In the event of one or more felony conviction(s), a Licensee must provide documentation to the Board that he or she is eligible to have the felony conviction(s) set aside and civil rights restored.

In addition to all of the possible disciplinary actions the Board may take under the law (§32-3552), the Board **may** place a Licensee on a term of probation that requires him or her to document the restoration of civil rights.

Class 1 through Class 5 Felony:

The Board will initiate a formal administrative hearing to consider the revocation of a License of an individual who is convicted of a felony of a level that is not eligible to ever have his or her civil rights restored.