

**BEFORE THE ARIZONA STATE BOARD OF
EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND
ASSISTED LIVING FACILITY MANAGERS**

In the Matter of:

Raul H. Lopez,
Assisted Living Facility Manager
Certificate No. 06979,

Respondent.

**COMPLAINT NO. 19-126
CONSENT AGREEMENT AND ORDER**

In the interest of a prompt and judicious settlement of the above captioned matter, consistent with the public interest, statutory requirements, and responsibilities of the Arizona Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers ("Board"), and pursuant to A.R.S. § 41-1092.07(F)(5) and A.R.S. § 36-446 *et seq.*, Raul H. Lopez ("Respondent") and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law, and Order ("Consent Agreement") as the final disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this matter, and at this hearing, Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review, or any other administrative and/or judicial action concerning the matters set forth herein.

1 3. Respondent acknowledges and agrees that, upon signing this Consent Agreement and
2 returning this document to the Board's Executive Director, he may not revoke his acceptance of
3 the Consent Agreement or make any modifications to the document regardless of whether the
4 Consent Agreement has been signed by the Executive Director.

5 4. Respondent understands that the foregoing Consent Agreement shall not become
6 effective until the Executive Director signs it on behalf of the Board. Any modification to this
7 original document is ineffective and void unless approved by the Board.

8 5. Respondent understands that this Consent Agreement does not constitute a dismissal or
9 resolution of other matters currently pending before the Board, if any, and does not constitute
10 any waiver (express or implied) of the Board's statutory authority or jurisdiction regarding any
11 other pending or future investigation, action, or proceeding. Respondent understands that the
12 final adjudication of CR2019-00133 may be reviewed by the Board in any future application
13 process or disciplinary proceeding. Respondent also understands that acceptance of this Consent
14 Agreement does not preclude any other agency, subdivision, or officer of this state from
15 instituting other civil or criminal proceedings with respect to the conduct that is the subject of
16 this Consent Agreement.

17 6. All admissions Respondent makes in this Consent Agreement are made solely for the
18 final disposition of this matter, and any related administrative proceedings or civil litigation
19 involving the Board and Respondent. This Consent Agreement is not intended to be used for
20 any other regulatory agency proceedings, or civil or criminal proceedings, whether in the State
21 of Arizona or any other state or federal court, except related to the enforcement of the Consent
22 Agreement itself.

23 7. If a court of competent jurisdiction rules that any part of this Consent Agreement is void
24 or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force
25 and effect.

 8. Respondent shall assert no claim that the Board or its legal representative was

1 prejudiced by its review and discussion of this document or any records relating thereto if this
2 matter proceeds to a formal administrative hearing.

3 9. Respondent understands that this Consent Agreement is a public record that may be
4 disseminated as a formal action of the Board, and shall be reported as required by law to the
5 National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

6 10. While Respondent neither admits nor denies the following Findings of Fact and
7 Conclusions of Law, Respondent acknowledges that, should this matter proceed to hearing, the
8 Board would be able to establish by a preponderance of the evidence that Respondent engaged
9 in conduct which would subject him to discipline under the Board's statutes or rules. Therefore,
10 Respondent has agreed to enter into this Consent Agreement as an economical and practical
11 means of resolving this case.

12 11. Respondent understands that this Consent Agreement may be used for purposes of
13 determining sanctions in future disciplinary proceedings.

14 12. Respondent understands that any violation of this Consent Agreement may constitute a
15 basis for discipline and is considered unprofessional conduct.

16 The Board issues the following Findings of Fact, Conclusions of Law, and Order:

17
18 **FINDINGS OF FACT**

19 1. Raul H. Lopez ("Respondent") holds Assisted Living Facility Manager's Certificate No.
20 06979, which enables him to practice as a manager of an assisted living facility in the State of
21 Arizona.

22 2. On September 30, 2019, the Arizona Department of Health Services informed NCIA
23 Board staff that the Arizona Department of Public Safety suspended Respondent's fingerprint
24 clearance card, which is invalid.
25

1
2 3. On May 29, 2019, Respondent was charged with four counts of vulnerable adult abuse
3 in CR2019-00133 in Arizona Superior Court of Santa Cruz, which arose out of allegations
4 regarding the care of a resident at an assisted living facility for which the Respondent was the
5 manager.

6 4. Case number CR2019-00133 is pending in superior court and a final adjudication has
7 not been rendered.

8 CONCLUSIONS OF LAW

9
10 1. The Board of Examiners of Nursing Care Institution Administrators and Assisted
11 Living Facility Managers ("Board") is the duly constituted authority for licensing and regulating
12 the practice of Nursing Care Institution Administrators and Assisted Living Facility Managers
13 in the State of Arizona pursuant to A.R.S. § 36-446 *et seq.*

14 2. The Board has jurisdiction over the subject matter and Respondent pursuant to
15 A.R.S. § 36-446 *et seq.* and the rules promulgated by the Board relating to Respondent's
16 professional practice as a certified Assisted Living Facility Manager.

17 3. The conduct and circumstances described in the Findings of Fact constitute a
18 violation of A.R.S. § 36-446.07(B)(3), Unprofessional Conduct, as defined in A.R.S. § 36-
19 446(10)(a) as "incompetency or gross negligence in the performance of administrative duties."

20 4. The conduct and circumstances described in the Findings of Fact constitute a
21 constitute a violation of A.R.S. § 36-446.07(B)(8), ("Violation of this article or a rule adopted
22 pursuant to this article"), as it relates to A.R.S. § 36-446.04(D) ("A person who is certified
23 pursuant to this section must maintain a valid fingerprint clearance card during the valid period
24 of the person's certificate.").

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to
3 the provisions and penalties imposed as follows:

4 Respondent hereby **VOLUNTARILY SURRENDERS** Certificate Number 06979 as an
5 Assisted Living Facility Manager in the State of Arizona. The surrender of Respondent's
6 certificate shall be treated for all purposes, including reporting purposes, as the revocation of
7 Respondent's certificate. Pursuant to Arizona Administrative Code, Section R4-33-409 an
8 individual who wishes to be certified after the individual's certificate as an assisted living
9 facility manager is revoked shall: (1) Not apply for certification until at least 12 months have
10 passed since the revocation; and (2) Apply for certification under R4-33-401. (Citation
11 Omitted). **Respondent shall Immediately Cease Practicing as an Assisted Living Facility**
12 **Manager.**

13 **DATED** this 15 day of November, 2019.

14 
15 _____
16 Raul H. Lopez
17 Respondent

18 **DATED** and **EFFECTIVE** this 25th day of NOVEMBER, 2019.

19 **ARIZONA BOARD OF EXAMINERS OF NURSING CARE**
20 **INSTITUTION ADMINISTRATORS AND ASSISTED LIVING**
21 **FACILITY MANAGERS**

22 **By:** 
23 _____
24 Allen Imig
25 Executive Director

1 ORIGINAL of the foregoing filed:
2 This 25th day of NOVEMBER, 2019 with:

3 Arizona State Board of Examiners of Nursing Care Institution
4 Administrators and Assisted Living Facility Managers
1740 W. Adams Street, Suite 2490
Phoenix, AZ 85007

5 EXECUTED COPY of the foregoing mailed via U.S. Mail and Emailed
6 This 25th day of NOVEMBER, 2019 to:

7 Mandi Karvis, Esq.
8 One North Central Avenue, Suite 885
Phoenix, AZ 85004
9 mkarvis@wickersmith.com
Attorney for Respondent, Raul Lopez

10 COPY of the foregoing Emailed
11 This 25th day of NOVEMBER, 2019 to:

12 Sabrina Khan
13 Assistant Attorney General
2005 North Central Avenue SGD/LES
Phoenix, AZ 85004
*Attorney for the Arizona State Board of Examiners of Nursing
Care Institution Administrators and Assisted Living Facility Managers*

14
15 #8220222v1
16
17
18
19
20
21
22
23
24
25