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FEB 15 2018

BY: KB

8 **BEFORE THE ARIZONA STATE BOARD OF OCCUPATIONAL THERAPY**

9 In the Matter of

Complaint No. 18-OTA-4974

10 **ANGEL CHAYREZ,**

**CONSENT AGREEMENT FOR  
LETTER OF CONCERN**

11 Renewal Applicant as an Occupational  
12 Therapist Assistant in the State of Arizona.

**(Non-Disciplinary)**

13  
14 **RECITALS**

15 The Arizona State Board of Occupational Therapy ("Board") pursuant to A.R.S. §  
16 32-3401 *et seq.*, and Angel Chayrez ("Applicant") enter into the following Recitals,  
17 Findings of Fact, Conclusions of Law, and Order ("Consent Agreement").

18 **CONSENT AGREEMENT**

19 1. Applicant has read and understands this Consent Agreement and has had  
20 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
21 opportunity to discuss this Consent Agreement with an attorney.

22 2. Applicant understands that <sup>he</sup>she has a right to a public administrative hearing  
23 concerning this matter, at which hearing she could present evidence and cross-examine  
24 witnesses. By entering into this Consent Agreement, Applicant knowingly and  
25 voluntarily relinquishes all right to such an administrative hearing, as well as rights of  
26

1 rehearing, review, reconsideration, appeal, judicial review or any other administrative  
2 and/or judicial action, concerning the matters set forth herein.

3 3. Applicant affirmatively agrees that this Consent Agreement shall be  
4 irrevocable.

5 4. Applicant understands that this Consent Agreement or any part of the  
6 agreement may be considered in any future disciplinary action by the Board.

7 5. Applicant understands this Consent Agreement deals with this matter  
8 involving allegations that Applicant engaged in conduct that would subject her to  
9 discipline and/or denial of licensure pursuant to Board's statutes and rules. The  
10 investigation into these allegations against Applicant shall be concluded upon the  
11 execution of this Consent Agreement.

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

16 7. Applicant also understands that acceptance of this Consent Agreement does  
17 not preclude any other agency, subdivision, or officer of this State from instituting any  
18 other civil or criminal proceedings with respect to the conduct that is the subject of this  
19 Consent Agreement.

20 8. Applicant acknowledges and agrees that, upon signing this Consent  
21 Agreement and returning this document to the Board's Executive Director, she may not  
22 revoke her acceptance of the Consent Agreement or make any modifications to the  
23 document regardless of whether the Consent Agreement has been signed by the  
24 Executive Director. Any modification to this original document is ineffective and void  
25 unless mutually agreed by the parties in writing.

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1           9.     This Consent Agreement becomes effective when signed by the Executive  
2 Director on behalf of the Board.

3           10.    If a court of competent jurisdiction rules that any part of this Consent  
4 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
5 shall remain in full force and effect.

6           11.    Applicant understands that this Consent Agreement is a public record that  
7 may be disseminated as a formal action of the Board.

8           12.    Applicant agrees that the Board adopts the following Findings of Fact,  
9 Conclusions of Law and Order.

10 **ACCEPTED AND AGREED BY APPLICANT**

11  
12   
13  
14 **ANGEL CHAYREZ**  
15 Applicant

Dated: 2/8/18

16 **FINDINGS OF FACT**

17           1.     Applicant was issued an Occupational Therapist Assistant's License,  
18 License Number 4974 on November 21, 2015 that expired on November 20, 2017, if not  
19 timely renewed.

20           2.     Applicant applied to the Arizona Occupational Therapy Board Examiners  
21 as a renewal applicant, and her application was complete as of January 5, 2018.

22           3.     At the January 12, 2018 Regular Meeting, the Board reviewed Applicant's  
23 application and supporting documentation.

24           4.     Applicant disclosed that <sup>he</sup>she had practiced as an occupational therapist  
25 assistant for a period of five (5) days while <sup>his</sup>her license was expired.

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1           5.       Upon deliberation and review, the Board voted to issue a Letter of Concern,  
2      which is non-disciplinary, as the final resolution of this matter.

3   **CONCLUSIONS OF LAW**

4           1.       The Board is the duly constituted authority for licensing and regulating the  
5      practice of Occupational Therapy in the State of Arizona pursuant to A.R.S. § 32-3401, *et*  
6      *seq.*

7           2.       The Board possesses jurisdiction over the subject matter and the Applicant  
8      pursuant to A.R.S. § 32-3401, *et seq.*

9   **LETTER OF CONCERN**  
10   (Non-Disciplinary)

11               Based upon the above Findings of Fact and Conclusions of Law and under the  
12      authority granted to the Board, it hereby issues the following:

13               The Arizona Board of Occupational Therapy Examiners is charged with the  
14      responsibility of regulating the practice of occupational therapy in the State of Arizona  
15      pursuant to A.R.S. § 32-3401, *et seq.* At its meeting on January 12, 2018, the Board  
16      voted to issue you a Letter of Concern, pursuant to A.R.S. § 32-3442, as the final  
17      resolution in this matter, for practicing while your license was expired for five (5) days.

18               A Letter of Concern, as defined in A.R.S. § 32-3401(4), is a non-disciplinary  
19      advisory letter to notify a licensee that, while there is insufficient evidence to support  
20      disciplinary action, the licensee should modify or eliminate certain practices and that  
21      continuation of the activities that led to the information being submitted to the board may  
22      result in future action against the licensee's license. (Citations Omitted).

23               Board Matter Number 18-OTA-4974 is now resolved with the issuance of this  
24      non-disciplinary Letter of Concern.

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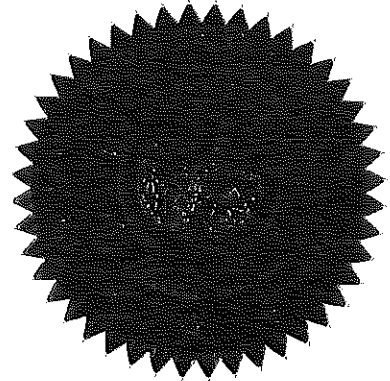
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DATED this 9<sup>th</sup> day of March, 2018.

ARIZONA STATE BOARD OF OCCUPATIONAL THERAPY  
EXAMINERS

By: Karen Whiteford  
**KAREN WHITEFORD**  
Executive Director



ORIGINAL OF THE FORGOING FILED  
this 9<sup>th</sup> day of March, 2018, with:

Arizona State Board of Occupational Therapy  
1740 West Adams Street, Suite 3407  
Phoenix, AZ 85007

EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL

this 9<sup>th</sup> day of March, 2018, to:

Angel Chayrez

COPY OF THE FOREGOING EMAILED  
this 9<sup>th</sup> day of March, 2018, to:

Sabrina Khan  
Assistant Attorney General  
2005 N. Central Avenue  
Phoenix, AZ 85004-1592

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