

Janet Napolitano
Governor



AGENDA ITEM III.H.1.
2008 AzBN November Board

Joey Ridenour
Executive Director

Arizona State Board of Nursing

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October 2, 2008

Marc Katz
1811 N. Tatum Blvd, Suite P120
Phoenix, AZ 85028

RE: CEASE AND DESIST LETTER

Dear Mr. Katz:

The Board of Nursing (Board) has received information that you have been representing yourself as a nurse, RN, or professional nurse. The Board received a complaint on September 18, 2008 that you participated in a workshop on or about September 11 and 12, 2008, "A Matter of Balance Managing Concerns About Falls". The brochure advertising the workshop identified your credentials as "RN" which would incorrectly imply to the public that you hold licensure in the State of Arizona as a Registered Nurse. In the course of the investigation of this allegation, the Board additionally received a copy of a PowerPoint presentation, dated August 27, 2008 and in which you were a co-presenter with staff from Arizona Health Care Association (AHCA). Again, you were identified as "Marc Katz, RN ...". According to sources interviewed, you reviewed and approved portions of the PowerPoint that were related to your presentation and at no time then, or during the presentation, did you clarify or correct the fact that you are not a licensed or registered nurse.

During the investigation of this complaint, several individuals were interviewed, some of whom although could not provide a specific date, stated that on other occasions, they heard you refer to yourself as a "nurse" and therefore believed you to be a currently licensed nurse. As you are aware, the highest level of licensure that you have previously held was that of a licensed practical nurse (LPN). Your prior Arizona LPN license was revoked in 1996 related to fraud and altering a license. You do not hold current nursing licensure in this state or any other state.

Pursuant to A.R.S. § 32-1666(A)(1)(2): It is unlawful for a person who is not licensed or certified under this chapter to: (1) Practice or offer to practice professional or practical nursing in this state. (2) Represent or use any title, abbreviation, letters, figures, sign, card or device to indicate that the person or any other person is a registered, graduate or professional nurse.

Pursuant to A.R.S. § 32-1636: Only a person who holds a valid and current license to practice professional nursing in this state or in a party state pursuant to section 32-1668 may use the title "nurse", "registered nurse", "graduate nurse" or "professional nurse" or the abbreviation "R.N."

Pursuant to A.R.S. § 32-1606 (A) (4) The Board may refer criminal violations of this chapter to the appropriate law enforcement agency.

Pursuant to A.R.S. § 32-1667(2): A person is guilty of a class 6 felony who: (2) Engages in any conduct prohibited in section 32-1666.

The Arizona Board of Nursing demands that you immediately cease and desist implying to the public of Arizona that you are a nurse.

Be advised that the Board, will forward your case to the Office of the Attorney General for review for potential criminal charges.

If you have any questions regarding our investigation of the complaint, please contact Valerie Smith, RN, MS, FRE, Associate Director, at (602) 889-5206.

Sincerely,



Joey Ridenour, R.N., M.N.
Executive Director

cc:

James Schwegel
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