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7

8 **BEFORE THE STATE OF ARIZONA BOARD OF ATHLETIC TRAINING**

9 In the Matter of

Complaint #15-AT-0274

10

11 **RANDALL COHEN,**

**CONSENT AGREEMENT FOR  
 RENEWAL OF LICENSE  
 WITH PROBATION**

12 Holder of License No. 0274 as an  
 Athletic Trainer in the  
 13 State of Arizona

14

15 **CONSENT AGREEMENT**

16 As Randall Cohen ("Applicant") has made application to the Arizona Board of  
 17 Athletic Training (the "Board") for renewal of his license as an athletic trainer and,  
 18 consistent with the public interest, statutory requirements and the responsibilities of the  
 19 Board under A.R.S. §§ 32-4101, *et. seq.*, the Board and Applicant enter into the  
 20 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent  
 21 Agreement") for renewal of license with probation.

22 **RECITALS**

23 1. Applicant has read and understands this Consent Agreement and has had  
 24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
 25 opportunity to discuss this Consent Agreement with an attorney.

26

1           2.     Applicant understands that he has a right to a public administrative hearing  
2 concerning this matter, at which hearing he could present evidence and cross-examine  
3 witnesses. By entering into this Consent Agreement, Applicant knowingly and  
4 voluntarily relinquishes all right to an administrative hearing, as well as all rights of  
5 rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 and/or judicial action, concerning the matters set forth herein.

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

9           4.     Applicant acknowledges and agrees that, upon signing this Consent  
10 Agreement and returning this document to the Board's Executive Director, he may not  
11 revoke his acceptance of the Consent Agreement or make any modifications to the  
12 document regardless of whether the Consent Agreement has been signed by the  
13 Executive Director. Any modification to this original document is ineffective and void  
14 unless mutually agreed by the parties in writing.

15           5.     Applicant understands that the Consent Agreement shall not become  
16 effective unless and until signed by the Board's Executive Director on behalf of the  
17 Board.

18           6.     This Consent Agreement is effective when signed by the Executive  
19 Director.

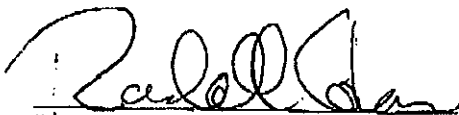
20           7.     If a court of competent jurisdiction rules that any part of this Consent  
21 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
22 shall remain in full force and effect.

23           8.     Applicant understands that this Consent Agreement is a public record that  
24 may be publicly disseminated as a formal action of the Board and may be reported as  
25 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
26 Protection Data Bank.

1 9. Applicant understands that any violation of this Consent Agreement  
2 constitutes grounds for disciplinary action. A.R.S. §§ 32-4153(22) and 32-4156.

3 10. Applicant agrees that the Board will adopt the following Findings of Fact,  
4 Conclusions of Law and Order:

5 ACCEPTED AND AGREED BY RANDALL COHEN

6  
7 

8 Randall Cohen

Dated: 7/29/15

9  
10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the  
12 practice of Athletic Training in the State of Arizona.

13 2. Applicant held License No. 0274 to practice as an Athletic Trainer in  
14 Arizona. Applicant's Arizona Athletic Trainer's license expired on February 1, 2013.

15 3. On June 12, 2015, Applicant applied for renewal of his license as an  
16 Athletic Trainer in the State of Arizona.

17 4. After the expiration of his license on February 1, 2013 and through June 4,  
18 2015, Applicant continued to work as an athletic trainer, providing athletic training  
19 services as the Associate Athletics Director for Medical Services at the University of  
20 Arizona in Tucson, Arizona, without being licensed as an athletic trainer in Arizona.

21 **CONCLUSIONS OF LAW**

22 1. The Board possesses jurisdiction over the subject matter and over  
23 Applicant pursuant to A.R.S. §§ 32-4101, *et seq.*

24 2. Under A.R.S. § 32-4122(A)(1), an applicant must be of "good moral  
25 character." Arizona Administrative Code ("A.A.C.") R4-49-101(19) defines "good  
26

1 moral character" as not taking any action that is grounds for disciplinary action under  
2 A.R.S. § 32-4153.

3 3. Under A.R.S. § 32-4153(22), violation of the Board statutes and rules is  
4 grounds for disciplinary action. It is unlawful for any person to practice athletic training  
5 in Arizona unless that person is licensed by the Board. A.R.S. § 32-4157(A).

6 4. The conduct described above constitutes a violation of A.R.S. § 32-  
7 4157(A) (It is unlawful for any person to practice or in any manner to claim to practice  
8 athletic training unless that person is licensed pursuant to Board statute).

9 5. The Board, having reviewed the application for licensure and supporting  
10 documentation, hereby finds that Applicant currently meets the requirements for  
11 licensure under A.R.S. § 32-4122, subject to the terms of this Consent Agreement.

12 **ORDER**

13 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY  
14 ORDERED AS FOLLOWS:

15 1. **Renewal:** Subject to the terms of this Order, Applicant's License No. 0274  
16 is hereby renewed.

17 2. **Probation:** Applicant's renewed license is immediately placed on  
18 PROBATION for a period of four (4) years and eight (8) months from the effective date  
19 of this Consent Agreement.

20 3. **Education:** Applicant shall complete a total of nine (9) hours of Board-  
21 approved continuing education ("CE") in the area of Medical Ethics during the period of  
22 probation. Within twelve (12) months of the effective date of this Consent Agreement,  
23 Applicant shall successfully complete six (6) hours of CE in the area of Medical Ethics  
24 and shall submit proof of successful completion to the Board. During the remaining  
25 period of probation, Applicant shall complete the remaining three (3) hours of CE in the  
26 area of Medical Ethics and shall submit proof of successful completion to the Board. The

1 CE must be pre-approved by the Board. The CE required by this paragraph is in addition  
2 to that required for renewal of Applicant's license.

3 4. **Civil Penalty:** During the period of probation, Applicant shall pay the  
4 Board a civil penalty in the amount of Five Thousand Dollars (\$5,000.00).

5 5. **Noncompliance:** The failure of Applicant to comply with any provision of  
6 this Order during the period of probation, including the General Provisions, shall be  
7 deemed a violation of this Order. In the event Applicant is non-compliant with any  
8 provision of this Order, the Board, in its sole discretion, may direct that the matter  
9 proceed to a non-compliance hearing for additional disciplinary action of Applicant's  
10 license under A.R.S. § 32-4153(22).

11 6. **Termination of Probation:** Upon Applicant's successful completion of all  
12 the terms of probation specified in this Order, the Board shall terminate the probation and  
13 fully restore Applicant's license four (4) years and eight (8) months from the effective  
14 date of this Order.

15 7. **General Provisions:** Applicant shall maintain records which reflect  
16 compliance with the terms of this Order, shall cooperate fully with the Board's  
17 administrative staff in providing relevant documentation of his compliance with the terms  
18 and conditions of this Order, including executing any and all release of information forms  
19 as may be required by the Board or its designee, and in responding promptly to any  
20 request from the Board for documents that the Board requires to demonstrate his  
21 compliance with this Order.

22 8. In the event Applicant's license to practice as an athletic trainer is  
23 scheduled to renew while this Order is in effect, Applicant shall apply for renewal of the  
24 license, pay any applicable fee, and otherwise maintain qualification to practice as an  
25 athletic trainer in the State of Arizona.

26

1 9. Applicant is responsible for all costs associated with complying with this  
2 Decision and Order.

3 10. Applicant is solely responsible for ensuring that he understands and  
4 complies with all the terms and conditions of this Order.

5 11. Applicant shall obey all federal, state and local laws, and all laws/rules  
6 governing the practice of athletic training in this state.

7 DATED this 31<sup>st</sup> day of JULY, 2015.



9 ARIZONA STATE BOARD OF  
10 ATHLETIC TRAINING

11  
12 By:   
13 J. RANDY FROST  
14 Executive Director

15 ORIGINAL OF THE FOREGOING FILED  
16 this \_\_\_\_ day of \_\_\_\_\_, 2015, with:

17 State of Arizona Board of Athletic Training  
18 4205 N. 7<sup>th</sup> Avenue, Suite 305  
19 Phoenix, Arizona 85013

20 EXECUTED COPY OF THE FOREGOING MAILED  
21 this \_\_\_\_ day of \_\_\_\_\_, 2015, to:

22 Randall Cohen  
23 1701 E. Orange Grove  
24 Tucson, Arizona 85718

25 Sophia Varma Van Langen, Esq.  
26 Assistant Attorney General  
1275 W. Washington Street, SGD/LES  
Phoenix, Arizona 85007

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