

**MISSOURI STATE BOARD FOR RESPIRATORY CARE**

<b>MISSOURI STATE BOARD FOR RESPIRATORY CARE,</b>	)	
	)	
	)	
v.	)	<b>Case No. 15-1100 RC</b>
	)	
<b>ANGELA IVEY,</b>	)	
	)	
<b>Respondent.</b>	)	

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DISCIPLINARY ORDER**

I.

**Statement of the Case**

On or about August 31, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Angela Ivey*, Case No. 15-1100RC. The Administrative Hearing Commission certified the records of its proceedings and its Default Decision in *State Board for Respiratory Care v. Angela Ivey*, Case No. 15-1100RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately October 5, 2015. In its Default Decision, the Administrative Hearing Commission found that Respondent Ivey's respiratory care practitioner license (license number 102255) is subject to disciplinary action by the Board pursuant to § 334.920.2(3) and (6) RSMo.<sup>1</sup>

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission, including the properly pled complaint filed before the Administrative Hearing Commission on July 7, 2015 and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing

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<sup>1</sup> All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Commission, including the properly pled complaint and Default Decision, is incorporated herein by reference in its entirety.

Pursuant to notice and § 621.110 and § 334.920.3, RSMo, the Board scheduled a hearing to be held on December 3, 2015, at approximately 10:30 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Ivey's license. The Board was represented by Assistant Attorney General Ross Brown. Despite proper and timely notice, Respondent Angela Ivey was not present for the hearing and was not represented by counsel. After being present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order.

## II.

### **Findings of Fact**

1. Ivey holds a license to practice respiratory care from the Board. Ivey's license is current and active at all times relevant to the facts relied upon in this Order.

2. The Board hereby adopts and incorporates herein the properly pled complaint and Default Decision of the Administrative Hearing Commission in *State Board for Respiratory Care v. Angela Ivey*, Case No. 15-1100RC, in its entirety. In that Default Decision, the Administrative Hearing Commission determined that the Board filed a properly pled complaint before the Administrative Hearing Commission on or about July 7, 2015, that Ivey was properly served with the complaint and that Ivey never filed an answer or otherwise responded to the complaint.

3. In its August 31, 2015, Default Decision the Administrative Hearing Commission found the Board has grounds to discipline Ivey's license pursuant to § 334.920.2(3) and (6) RSMo as established in the properly pled complaint, as a result of Ivey's failure to complete sufficient hours of approved continuing education; her failure to maintain records of her continuing education and her assertion in her renewal application that she had completed the required twenty-four hours of approved continuing education, when she had not.

4. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Ivey in a proper and timely fashion.

### III.

#### **Conclusions of Law**

5. The Board has jurisdiction over this proceeding pursuant to § 621.110 and § 334.920.3, RSMo.

6. The Board expressly adopts and incorporates by reference the properly pled complaint and the Default Decision of the Administrative Hearing Commission in in *State Board for Respiratory Care v. Angela Ivey*, Case No. 15-1100RC, finding cause to discipline Ivey's license pursuant to § 334.920.2(3) and (6) RSMo.

7. As a result of the foregoing, and as identified in the Default Decision of the Administrative Hearing Commission, Ivey's license is subject to disciplinary action by the Board, pursuant to § 334.920.2(3) and (6) RSMo

8. The Board has determined that this Order is necessary to ensure the protection of the public.

IV.

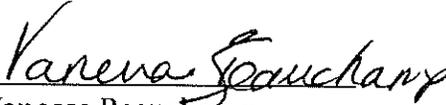
**ORDER**

9. Having fully considered all the evidence before the Board, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board, that Respondent Angela Ivey's license is hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, Ivey shall immediately return all evidence of licensure to the Board.

10. The Board will maintain this Order as an open record of the Board as provided in Chapters 324, 334 and 610, RSMo.

SO ORDERED, THIS 17<sup>th</sup> day of December, 2015.

**MISSOURI STATE BOARD FOR  
RESPIRATORY CARE**

  
Vanessa Beauchamp,  
Executive Director



2. Angela Ivey is a respiratory care practitioner licensed by the Missouri Board for Respiratory Care, license no. 102255. At all relevant times herein, Ivey' license was active and current.

3. On or about May 14, 2014, Ivey submitted an application to renew her license and answered on the application that she had completed the required 24 hours of continuing education for the reporting period of 2012 to 2014.

4. On or about September 5, 2010, the Board sent Ivey a letter ("September Letter") to her registered address of 2800 Briar Oaks Lane, Joplin, Missouri, 64804. The letter notified Ivey she had been randomly selected for an audit of her continuing education ("CE") requirement. She was instructed to submit to the Board copies of her CE course completion certificates for the reporting period from 2012 – 2014. Ivey was told she had until October 1, 2014 to comply with the request.

5. In response to the September Letter, Ivey submitted to the Board certificates of completion for fifteen credit hours, thirteen of which were for traditional programs and two of which were from non-traditional programs.

6. Section 334.920, RSMo, 2014, states in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by

chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 334.800 to 334.930 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

.....

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 334.800 to 334.930 or in obtaining permission to take any examination given or required pursuant to sections 334.800 to 334.930;

.....

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to 334.930;

7. Regulation 20 CSR 2255-4.010, pertaining to continuing education requirements, states in relevant part:

(1) As a condition for renewal of a license, all respiratory care practitioners are required to complete twenty-four (24) hours of approved continuing education in the practice of respiratory care as defined by section 334.800(11), RSMo in the continuing education reporting period preceding renewal of the license. The continuing education reporting period is the twenty-four (24)-month period beginning on August 1 of even numbered years and ending on July 31 of even numbered years. [...]

(2) For the license renewal due on August 1, 2002, and each subsequent renewal thereafter, the licensee shall certify, on the renewal form provided by the board, that he/she has obtained at least twenty-four (24) hours of continuing education during the continuing education reporting period preceding the license renewal. The renewal form shall be submitted to the board office on or before the expiration date. The renewal form shall not be considered complete until all of the required information has been received by the board. The licensee shall not submit the record of continuing education attendance to the board except in the case of a board audit.

.....

(8) A licensee shall be responsible for maintaining his/her records of continuing education activities. Each licensee shall maintain for a period of not less than the preceding two (2) continuing education reporting periods prior to renewal, documentation verifying completion of the appropriate number of continuing education hours for each renewal period.

(9) Upon request of the board, the licensee shall provide all documentation of completion of continuing educational activities.

8. Based on Ivey's assertion in her application for renewal that she had completed the required 24 hours of approved continuing education, when she had not, Ivey used misrepresentation to acquire a license issued pursuant to sections 334.800 to 334.930. Thus, cause exists to discipline her respiratory care practitioner license pursuant to §334.920.2(3), RSMo, 2014.

9. Based on the conduct described above, Ivey failed to complete 24 hours of approved continuing education in violation of 20 CSR 2255-4.010(1). Thus, grounds exist for the Board to discipline Ivey's respiratory care practitioner license pursuant to §334.920.2(6), RSMo, 2014.

10. Alternatively, based on the conduct described above, Ivey failed to submit all documentation of the completion of continuing education within the two year renewal period at the request of the Board, in violation of 20 CSR 2255-4.010(9). Thus, grounds exist for the Board to discipline Ivey' respiratory care practitioner license pursuant to §334.920.2(6), RSMo, 2014.

11. Based on the conduct described above, Ivey failed to responsibly maintain a record of continuing education to the Board as required by 20 CSR 2255-4.010(8). Thus, grounds exist for the Board to discipline Ivey's respiratory care practitioner license pursuant to §334.920.2(6), RSMo, 2014.

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to § 621.015, RSMo, and issue its Findings of Fact, Conclusions of Law, and decision determining that Respondent's respiratory care practitioner license is subject to disciplinary action under § 334.920, RSMo, by Petitioner, Missouri Board for Respiratory Care, for violations of Chapter 334, RSMo, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER  
Attorney General

A handwritten signature in black ink, appearing to read "Ross Brown", written over a horizontal line.

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**MISSOURI BOARD FOR  
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