

MISSOURI STATE BOARD FOR RESPIRATORY CARE

MISSOURI STATE BOARD FOR)	
RESPIRATORY CARE,)	
)	
Petitioner,)	
v.)	Case No. 13-1721 RC
)	
ANGELA MCCARTY,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DISCIPLINARY ORDER

I.

Statement of the Case

On or about January 28, 2014, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Angela McCarty*, Case No. 13-1721 RC. The Administrative Hearing Commission certified the records of its proceedings and its Default Decision in *State Board for Respiratory Care v. Angela McCarty*, Case No. 13-1721 RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately March 3, 2014. In its Default Decision, the Administrative Hearing Commission found that Respondent McCarty's respiratory care license (license number 2006019109) is subject to disciplinary action by the Board pursuant to § 334.920.2(6), RSMo.¹

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 October 1, 2013 and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing

¹ 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 held a hearing on June 3, 2014, at approximately 10:55 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against McCarty's license. The Board was represented by Assistant Attorney General Ross Brown. Despite proper and timely notice, Respondent 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. McCarty holds a license to practice respiratory care from the Board. McCarty's license was current and active at all relevant times.

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 McCarty*, Case No. 13-1721 RC, 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 October 1, 2013, that McCarty was properly served with the complaint and that McCarty never filed an answer or otherwise responded to the complaint.

3. In its January 28, 2014, Default Decision the Administrative Hearing Commission found the Board has grounds to discipline McCarty's license pursuant to

§ 334.920.2(6), RSMo, as established in the properly pled complaint, as a result of McCarty's failure to comply with the Board's random continuing education audit.

4. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Lowery 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 *State Board for Respiratory Care v. Angela McCarty*, Case No. 13-1721 RC, finding cause to discipline McCarty's license pursuant to § 334.920.2(6), RSMo.

7. As a result of the foregoing, and as identified in the Default Decision of the Administrative Hearing Commission, McCarty's license is subject to disciplinary action by the Board, pursuant to § 334.920.2(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 McCarty's license is hereby **REVOKED** from the effective date of this

Order. Upon receipt of this Order, McCarty 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 3rd day of June, 2014.

**MISSOURI STATE BOARD FOR
RESPIRATORY CARE**



Vanessa Beauchamp,
Executive Director