

**MISSOURI STATE BOARD FOR RESPIRATORY CARE**

**MISSOURI STATE BOARD FOR  
RESPIRATORY CARE,** )  
 )  
 )  
 **Petitioner,** )  
 **v.** ) **Case No. 11-2306 RC**  
 )  
 **JAMES SAUERWEIN,** )  
 )  
 )  
 **Respondent.** )

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

I.

**Statement of the Case**

On or about October 10, 2012, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. James Sauerwein*, Case No. 11-2306 RC. The Administrative Hearing Commission certified the records of its proceedings and its Decision in *State Board for Respiratory Care v. James Sauerwein*, Case No. 11-2306 RC, to the Missouri State Board for Respiratory Care (the "Board") on or about November 16, 2012. In its Default Decision, the Administrative Hearing Commission found that Respondent Sauerwein's respiratory care license is subject to disciplinary action by the Board pursuant to § 334.920.2(6), RSMo.<sup>1</sup>

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission, including but not limited to, the Complaint and the Default Decision. The Complaint and Default Decision of the Administrative Hearing Commission is hereby adopted and incorporated herein by reference.

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

Pursuant to notice and § 621.110 and § 334.920.3, RSMo, the Board held a hearing on December 11, 2012, at approximately 1:30 p.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Sauerwein's license. The Board was represented by Assistant Attorney General Ross Brown. 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. The Missouri Board for Respiratory Care ("Board") was established pursuant to § 334.830, RSMo, for the purpose of executing and enforcing the provisions of §§ 334.800 through 334.930, RSMo.

2. Sauerwein held a license to practice respiratory care from the Board. Sauerwein's license expired on July 31, 2012.

3. The Board hereby adopts and incorporates herein the findings of fact contained in the properly pled Complaint as evidenced in the Default Decision of the Administrative Hearing Commission in *State Board for Respiratory Care v. James Sauerwein*, Case No. 11-2306 RC. 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 November 28, 2011, that the Board served Sauerwein notice of the complaint, hearing before the Administrative Hearing Commission and disciplinary hearing before the Board by publication on August 17, 2012 and that

Sauerwein never filed an answer or otherwise responded to the complaint. On or about October 4, 2012, the Administrative Hearing Commission also found that the Board achieved service by publication on Sauerwein.

4. In its October 10, 2012, Default Decision, the Administrative Hearing Commission found the Board has grounds to discipline Sauerwein's license pursuant to § 334.920.2(6), RSMo.

5. The Board set this matter for disciplinary hearing. As detailed in paragraph 3 above, the Board achieved service by publication of the disciplinary hearing on or about October 4, 2012.

### III.

#### **CONCLUSIONS OF LAW**

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

7. The Board expressly adopts and incorporates by reference the Conclusions of Law contained in the Complaint and the Default Decision of the Administrative Hearing Commission in *State Board for Respiratory Care v. James Sauerwein*, Case No. 11-2306 RC, finding cause to discipline Sauerwein's license pursuant to § 334.920.2(6), RSMo.

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

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

IV.

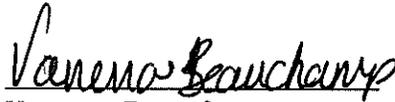
**Order**

10. 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 Sauerwein's license is hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, Sauerwein shall immediately return all evidence of licensure to the Board.

11. 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, 2012.

**MISSOURI STATE BOARD FOR  
RESPIRATORY CARE**



Vanessa Beauchamp,  
Executive Director