

MISSOURI BOARD FOR RESPIRATORY CARE

MISSOURI BOARD FOR RESPIRATORY CARE,)	
)	
)	
v.)	Case No. 2007-009090PV
)	
MELISSA STEINGRUBEY,)	
)	
Respondent.)	

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

At its regularly scheduled meeting on March 5, 2015, and pursuant to notice described in the Findings of Fact, the Missouri Board for Respiratory Care (“Board”) took up the probation violation complaint alleging that Melissa Steingrubey (“Steingrubey” and/or “Licensee”) had failed to comply with the terms of her probation.

The Board appeared at the hearing through Assistant Attorney General Todd C. Lucas. Neither Steingrubey nor any representative of Steingrubey appeared at the hearing. Division of Professional Registration Legal Counsel Thomas Mark Townsend served as the Board’s legal advisor at the hearing, during deliberations, and in the preparation of this order.

Findings of Fact

1. The Missouri Board for Respiratory Care is an agency of the State of Missouri, created and established pursuant to § 334.830 RSMo., for the purpose of executing and enforcing the provisions of §§ 334.800-.930 of the Revised Statutes of Missouri.

2. Steingrubey is an individual licensed by the Board as a respiratory care practitioner, license number 2007009090. Steingrubey's license was current and active at all times relevant herein.

3. Effective March 1, 2013, Steingrubey and the Board entered into a Settlement Agreement Between Missouri State Board for Respiratory Care and Melissa Steingrubey which placed Steingrubey's respiratory care practitioner license on probation for a period of two years as a result of Steingrubey's failure to provide the Board with evidence of her completion of 24 hours of continuing education in the reporting period prior to the renewal of her license.

4. The March 1, 2013 Settlement Agreement required Steingrubey to comply with the terms and conditions of the Settlement Agreement (p. 1).

5. Specifically, Part I, paragraphs A and B of the March 1, 2013 Settlement Agreement, relating to the Education Requirements, states in pertinent part:

A. Licensee shall complete the twenty-four (24) hours of continuing education required pursuant to §§ 334.880, RSMo, and 20 CSR 2255-4.010 for the 2012-2014 renewal cycle.

B. Licensee shall complete an additional thirty (30) hours of continuing education as required by 20 CSR 2255-4.010(1), during the 2012 2014 renewal cycle. Ten (10) of the additional thirty (30) hours shall be completed in traditional continuing education programs.

6. Relating to the reporting of continuing education hours, 20 CSR 2255-4.010 states that "upon request of the Board, the Licensee shall provide all documentation of completion of continuing educational activities."

7. Part II paragraphs B, D and H of the March 1, 2013 Settlement

Agreement, concerning the General Requirements, states, in pertinent part:

. . . .

B. Licensee shall submit reports to the Missouri Board for Respiratory Care, P.O. Box 1335, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all the terms and conditions of this Settlement Agreement by no later than January 1 and July 1 during each year of the disciplinary period.

. . . .

D. Licensee shall comply with all provisions of the Respiratory Care Practice Act, Sections 334.800 through 334.930, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

. . . .

H. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

8. Part III, paragraph C of the March 1, 2013 Settlement Agreement,

relating to Additional Requirements, states, in pertinent part:

. . . .

C. Licensee shall cause an employment evaluation from each and every respiratory care employer of Licensee's to be submitted to the Board within six weeks of the effective date of this order. That evaluation shall include information as to Licensee's orientation and training and overall competency in practicing respiratory care therapies. Thereafter, employment evaluation forms will be due, in the Board's office, on the 1st days of February, May, August, and November of every year

that this order is in force. The evaluation form shall be completed by Licensee's supervisor within a four week period prior to the date it is due. If Licensee ends employment with a healthcare employer, Licensee shall, in addition, cause a final evaluation form from that supervisor to be submitted to the Board within six weeks following the last day of employment.

9. Part III, paragraph 5 of the July 25, 2008 Settlement Agreement, concerning the Board's jurisdiction for further discipline, states, in pertinent part:

If the Board determines that Walton has violated any term or condition of this settlement agreement, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the Circuit Court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this settlement agreement in its determination of appropriate legal actions concerning that violation. If any alleged violation of this settlement agreement occurred during the disciplinary period, the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred, and, if so, it may impose further discipline. The Board retains jurisdiction to hold a hearing to determine if a violation of this settlement agreement has occurred.

10. On August 4, 2014, the Board sent a letter to Steingrubey's last registered address of 7621 Fleta, St. Louis, Missouri 63123 requesting the July 1, 2014 licensee report, and the August 1, 2014 employer evaluation, as required in the Settlement Agreement. On August 19, 2014, the Board renewed its request for these two items via email to Steingrubey. The Board gave Steingrubey until September 1, 2014 to comply.

11. In response to the August 19, 2014 email, Steingrubey informed the Board that she was no longer employed with SSM St. Mary's and sought advice from the Board on how to proceed.

12. On August 20, 2014, the Board instructed Steingrubey via email that an evaluation from her employer was due within six weeks of her last day of employment. The Board also requested that Steingrubey provide proof of her 54 hours of continuing education required by the settlement Agreement.

13. Steingrubey failed to submit any of the requested items and her failure placed her in violation of paragraphs I.A, I.B, II.B, II.D, II.H, and III.C as set forth in the March 1, 2013 Settlement Agreement.

14. On or about January 2, 2015, the Board sent Steingrubey a Notice of Hearing and copy of the Probation Violation Complaint filed with the Board on January 2, 2015. The Notice of Hearing provided the time, date and location of the probation violation hearing. The Board sent the Notice of Hearing to Steingrubey by certified mail and regular mail. The Board received the certified mail copy back as "unclaimed." The regular mail copy was not returned to the Board.

Conclusions of Law

15. The Board has jurisdiction in this proceeding, pursuant to the March 1, 2013 Settlement Agreement and § 324.042 RSMo, to determine whether Steingrubey has violated the terms and conditions of the March 1, 2013 Settlement Agreement.

16. Section 324.042 RSMo, provides,

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

17. Section 334.920.3, RSMo, provides that the disciplinary sanctions available to the board are:

[S]ingly or in combination, censure . . . probation with such terms and conditions as the board deems appropriate for a period not to exceed five years, . . . suspen[sion], for a period not to exceed three years, or . . . revo[cation][.]

18. Steingrubey violated the March 1, 2013 Settlement Agreement as described in the Findings of Fact above by failing to submit employer evaluations, compliance reports and failing to provide proof of her hours of continuing education.

19. The March 1, 2013 Settlement Agreement and § 324.042 RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of the March 1, 2013 Settlement Agreement.

20. Steingrubey received notice of the probation violation complaint and the time, place and date of the hearing as described above in paragraph 14.

Decision and Order

It is the decision of the Missouri Board for Respiratory Care that Steingrubey has violated the terms of the March 1, 2013 Settlement Agreement and that his license is, therefore, subject to further disciplinary action.

The Missouri Board for Respiratory Care orders that the respiratory care practitioner license of Melissa Steingrubey, number 2007009090, be and is hereby **REVOKED**.

Steingrubey shall immediately return all indicia of licensure to the Board.

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

Entered this 1st day of April, 2015.

MISSOURI BOARD FOR RESPIRATORY CARE


Vanessa Beauchamp
Executive Director