

MISSOURI STATE BOARD FOR RESPIRATORY CARE

MISSOURI STATE BOARD FOR RESPIRATORY CARE,)	
)	
)	
v.)	Case No. 13-1050 RC
)	
MELVON THOMAS,)	
)	
Respondent.)	

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

I.

Statement of the Case

On or about October 3, 2013, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Melvon Thomas*, Case No. 13-1050 RC. The Administrative Hearing Commission certified the records of its proceedings and its Default Decision in *State Board for Respiratory Care v. Melvon Thomas*, Case No. 13-1050 RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately November 7, 2013. In its Default Decision, the Administrative Hearing Commission found that Respondent Thomas' respiratory care license (license number 2004035404) is subject to disciplinary action by the Board pursuant to § 334.920.2(3), (5), (6), (11) and (14), 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 June 12, 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 March 4, 2014, 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 Thomas' license. The Board was represented by Assistant Attorney General Curtis Schube. Respondent was present for the hearing but 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. Thomas holds a license to practice respiratory care from the Board. Thomas' 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. Melvon Thomas*, Case No. 13-1050 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 June 12, 2013, that Thomas was properly served with the complaint and that Thomas never filed an answer or otherwise responded to the complaint.

3. In its October 3, 2013, Default Decision the Administrative Hearing Commission found the Board has grounds to discipline Thomas' license pursuant to

§ 334.920.2(3), (5), (6), (11) and (14), RSMo, as established in the properly pled complaint, as a result of Thomas' 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 Thomas in a proper and timely fashion. Thomas appeared before the Board and testified that she completed 24 hours of continuing education credits but that six of her hours were not accepted by the Board. She testified that she thought that she was in compliance at the time of renewal.

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. Melvon Thomas*, Case No. 13-1050 RC, finding cause to discipline Thomas' license pursuant to § 334.920.2(3), (5), (6), (11) and (14), RSMo.

7. As a result of the foregoing, and as identified in the Default Decision of the Administrative Hearing Commission, Thomas' license is subject to disciplinary action by the Board, pursuant to § 334.920.2(3), (5), (6), (11) and (14), 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 Thomas' license is hereby placed on **PROBATION** for a period of one (1) year subject to the following terms and conditions.

I. EDUCATION REQUIREMENTS

- A. Licensee shall complete twelve (12) hours of continuing education units on or before July 31, 2014. The twelve (12) hours of continuing education units shall not count toward the twenty-four units required for renewal of Licensee's license. The twelve (12) hours may be traditional or non-traditional continuing education courses.

II. GENERAL REQUIREMENTS

- A. Licensee shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- 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.
- C. Licensee shall keep the Board apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address and home or work telephone number.
- 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.
- E. During the disciplinary period, Licensee shall timely renew Licensee's license and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensee's license in a current and active state.
- F. If at any time during the disciplinary period, Licensee removes Licensee from the state of Missouri, ceases to be currently licensed under provisions of Sections 334.800 through 334.930, or fails to advise the Board of Licensee's current place of business and residence, the time of Licensee's absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 334.920.3, RSMo.

- G. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.
- 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).
- I. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Sections 334.800 through 334.930, RSMo, by Licensee not specifically mentioned in this document.

III. ADDITIONAL REQUIREMENTS

- A. Licensee shall not allow Licensee's license to lapse.
- B. Licensee shall notify, within 15 days of the effective date of this Settlement Agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.
- C. Licensee shall cause employment evaluation forms 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.

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.

If Licensee is not employed as a respiratory care therapist, Licensee shall submit a notarized letter to the Board in lieu of an employment evaluation.

- D. The evaluation shall be sent by each supervisor to:

Missouri Board for Respiratory Care
P.O. Box 1335
Jefferson City, Missouri 65102.

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

Entered this 21 day of March, 2014.

MISSOURI BOARD FOR RESPIRATORY CARE

Vanessa Beauchamp

Vanessa Beauchamp,
Executive Director