

**MISSOURI STATE BOARD FOR RESPIRATORY CARE**

<b>MISSOURI STATE BOARD FOR RESPIRATORY CARE,</b>	)	
	)	
	)	
v.	)	<b>Case No. 15-0789 RC</b>
	)	
<b>SUSAN MCMASTERS,</b>	)	
	)	
<b>Respondent.</b>	)	

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

I.

**Statement of the Case**

On or about September 1, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Susan McMasters*, Case No. 15-0789RC. The Administrative Hearing Commission certified the records of its proceedings and its Default Decision in *State Board for Respiratory Care v. Susan McMasters*, Case No. 15-0789RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately October 29, 2015. In its Default Decision, the Administrative Hearing Commission found that Respondent McMasters' respiratory care practitioner license (license number 2001013406) is subject to disciplinary action by the Board pursuant to § 334.920.2(1), (6) and (14) 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 May 21, 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 11:00 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against McMasters' license. The Board was represented by Assistant Attorney General Daryl Hylton. Despite proper and timely notice, Respondent Susan McMasters 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. McMasters holds a license to practice respiratory care from the Board. McMasters' 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. Susan McMasters*, Case No. 15-0789RC, 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 May 21, 2015, that McMasters was properly served with the complaint and that McMasters never filed an answer or otherwise responded to the complaint.

3. In its September 1, 2015, Default Decision the Administrative Hearing Commission found the Board has grounds to discipline McMasters' license pursuant to § 334.920.2(1), (6) and (14) RSMo as established in the properly pled complaint, as a result of McMasters' unlawful possession and consumption of methamphetamine and her testing positive for the presence of methamphetamine resulting from a drug screen taken during her shift at Mercy Hospital in Washington, Missouri on or about September 3, 2014.

4. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon McMasters 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. Susan McMasters*, Case No. 15-0789RC, finding cause to discipline McMasters' license pursuant to § 334.920.2(1), (6) and (14) RSMo.

7. As a result of the foregoing, and as identified in the Default Decision of the Administrative Hearing Commission, McMasters' license is subject to disciplinary action by the Board, pursuant to § 334.920.2(1), (6) and (14) RSMo.

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

IV.

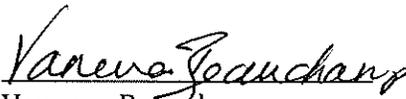
**ORDER**

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 Respondent Susan McMasters' license is hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, McMasters 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



3. Section 195.202, RSMo Supp. 2013, makes it unlawful for any person to possess or have under his/her control a controlled substance.

4. Respondent unlawfully possessed and consumed Methamphetamine.

5. On or about September 3, 2014, while working at Mercy Hospital in Washington, Missouri, Respondent was pulled off her shift to submit to a drug screen due to suspicion of drug use.

6. Respondent tested positive for the presence of Methamphetamine.

7. 20 CSR 2255-5.010 provides in pertinent part:

(1) All respiratory care practitioners and permit holders shall—

\* \* \*

(J) Comply with state and federal laws:

\* \* \*

8. Cause exists for the Board to take disciplinary action against McMasters's license pursuant to sections 334.920.2(1), (6), and (14), RSMo, which state in pertinent part:

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

\* \* \*

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, . . . ;

\* \* \*

(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;

\* \* \*

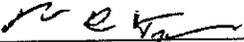
(14) Committing unethical conduct as defined in the ethical standards for respiratory care practitioners adopted by the division and filed with the secretary of state;

\* \* \*

WHEREFORE, Petitioner respectfully requests this Commission to conduct a hearing, if necessary, pursuant to Chapter 621, RSMo, and thereafter issue its findings of fact and conclusions of law determining that the Board may take disciplinary action against McMasters's respiratory care practitioner license, and for such other and further relief as is just and proper.

Respectfully submitted,

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**ATTORNEYS FOR PETITIONER**