

MISSOURI STATE BOARD FOR RESPIRATORY CARE

MISSOURI STATE BOARD FOR RESPIRATORY CARE,)	
)	
)	
v.)	Case No. 13-1170 RC
)	
ALVIN LOWERY,)	
)	
Respondent.)	

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

I.

Statement of the Case

On or about August 13, 2013, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Alvin Lowery*, Case No. 13-1170 RC. The Administrative Hearing Commission certified the records of its proceedings and its Default Decision in *State Board for Respiratory Care v. Alvin Lowery*, Case No. 13-1170 RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately September 24, 2013. In its Default Decision, the Administrative Hearing Commission found that Respondent Lowery's respiratory care license (license number 2005016949) 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 June 27, 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 December 2, 2013, at approximately 10:40 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Lowery's license. The Board was represented by Assistant Attorney General Ron Dreisilker. 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. Lowery holds a license to practice respiratory care from the Board. Lowery'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. Alvin Lowery*, Case No. 13-1170 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 27, 2013, that Lowery was properly served with the complaint and that Lowery never filed an answer or otherwise responded to the complaint.

3. In its August 13, 2013, Default Decision the Administrative Hearing Commission found the Board has grounds to discipline Lowery's license pursuant to

§ 334.920.2(6), RSMo, as established in the properly pled complaint, as a result of Lowery'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. Alvin Lowery*, Case No. 13-1170 RC, finding cause to discipline Lowery'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, Lowery'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 Lowery's license is hereby **REVOKED** from the effective date of this

Order. Upon receipt of this Order, Lowery 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 4th day of December, 2013.

**MISSOURI STATE BOARD FOR
RESPIRATORY CARE**


Vanessa Beauchamp,
Executive Director