

MISSOURI STATE BOARD FOR RESPIRATORY CARE

MISSOURI STATE BOARD FOR)
RESPIRATORY CARE,)
)
Petitioner,)
v.) Case No. 11-1239 RC
)
CYNTHIA EVERETT,)
)
Respondent.)

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

I.

Statement of the Case

On or about October 4, 2012, the Administrative Hearing Commission entered its Decision in the case of *State Board for Respiratory Care v. Cynthia Everett*, Case No. 11-1239 RC. The Administrative Hearing Commission certified the records of its proceedings and its Decision in *State Board for Respiratory Care v. Cynthia Everett*, Case No. 11-1239 RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately December 11, 2012. In its Decision, the Administrative Hearing Commission found that Respondent Everett's respiratory care license is subject to disciplinary action by the Board pursuant to § 334.920.2(4), (6) and (12), RSMo.¹

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Administrative Hearing Commission's Decision. The Decision of the Administrative Hearing Commission is hereby adopted and incorporated herein by reference.

¹ 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 March 7, 2013, at approximately 11:10 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Everett'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. Everett holds a license to practice respiratory care from the Board. Everett's license was current and active at all relevant times.
2. The Board hereby adopts and incorporates herein the findings of fact contained in the Decision of the Administrative Hearing Commission in *State Board for Respiratory Care v. Cynthia Everett*, Case No. 11-1239 RC.
3. In its October 4, 2012, Decision the Administrative Hearing Commission found the Board has grounds to discipline Everett's license pursuant to § 334.920.2(4), (6) and (12), RSMo.
4. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Schulte 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 Conclusions of Law and the Decision of the Administrative Hearing Commission in *State Board for Respiratory Care v. Cynthia Everett*, Case No. 11-1239 RC, finding cause to discipline Everett's license pursuant to § 334.920.2(4), (6) and (12), RSMo.

7. As a result of the foregoing, and as identified in the Decision of the Administrative Hearing Commission, Everett's license is subject to disciplinary action by the Board, pursuant to § 334.920.2(4), (6) and (12), 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 Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board, that Everett's license is hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, Everett 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, as amended.

SO ORDERED, THIS 8th day of March, 2013.

**MISSOURI STATE BOARD FOR
RESPIRATORY CARE**


Vanessa Beauchamp,
Executive Director