

MISSOURI BOARD FOR RESPIRATORY CARE

MISSOURI BOARD FOR)	
RESPIRATORY CARE,)	
)	
Petitioner,)	
v.)	Case No. 12-0435 RC
)	
DIANE OPDAHL,)	
)	
Respondent.)	

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

On or about June 5, 2012, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Diane M. Opdahl*, Case No. 12-0435 RC. In that Default Decision, the Administrative Hearing Commission found that Respondent Diane Opdahl's respiratory care practitioner license (license number 100524) was subject to disciplinary action by the State Board for Respiratory Care ("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 and the Default Decision of the Administrative Hearing Commission. The record and Default Decision of the Administrative Hearing Commission are incorporated herein by reference in their entirety.

Pursuant to notice and §§ 621.110 and 334.920.3, RSMo, the Board held a hearing on September 5, 2012, at approximately 1:40 p.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining the appropriate disciplinary action against Respondent's license. The

¹ Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri 2000, as amended.

Board was represented by Assistant Attorney General Ross Brown. Respondent, having received proper notice and opportunity to appear, did not appear in person or through legal 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.

Based upon the foregoing the Board hereby states:

I.

FINDINGS OF FACT

1. The Board 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, RSMo.

2. The Board hereby adopts and incorporates by reference the Default Decision of the Administrative Hearing Commission *State Board for Respiratory Care v. Diane M. Opdahl*, Case No. 12-0435 RC, in its entirety, including the complaint on which the Default Decision was based.

3. As set out in the Board's Complaint filed before the Administrative Hearing Commission on March 19, 2012, which was before the Administrative Hearing Commission in issuing its Default Decision:

a. On or about July 29, 2010, Opdahl submitted an application to renew her license and answered on the application that she had completed the required 24 hours of continuing education for the reporting period of 2008 to 2010.

b. On or about September 1, 2010, the Board sent Opdahl a letter (“September Letter”) to her registered address she had been selected by the Board for a random audit of her continuing education requirement and instructing Opdahl to submit to the Board copies of her continuing education course completion certificates for the reporting period from 2008 to 2010. Opdahl failed to respond to the September letter.

c. On or about October 1, 2010, the Board sent Opdahl a second letter (“October letter”) again advising of the continuing education audit and warning that failure to comply could result in disciplinary action. Opdahl failed to respond or to submit course completion certificates.

d. On or about December 2, 2010, the Board sent a third letter to Opdahl regarding the continuing education audit. Opdahl failed to respond or to submit the continuing education completion certificates.

4. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

5. This 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 contained in the Default Decision issued by the Administrative Hearing Commission on June 5, 2012, in *State Board for Respiratory Care v. Diane M. Opdahl*,

Case No. 12-0435 RC, including the complaint on which it was based, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision on June 5, 2012, Respondent's respiratory care practitioner 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.

III.

ORDER

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 the respiratory care practitioner license of Diane Opdahl, license number 100524 is hereby **REVOKED**. Diane Opdahl shall immediately return her respiratory care practitioner license, license number 100524, and any other indicia of such licensure to the Board.

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

SO ORDERED, EFFECTIVE THIS 10th DAY OF SEPTEMBER, 2012.

MISSOURI BOARD FOR RESPIRATORY CARE



Vanessa Beauchamp, Executive Director