

MISSOURI BOARD FOR RESPIRATORY CARE

MISSOURI BOARD FOR RESPIRATORY CARE,)	
)	
)	
v.)	Case No. 2010006910PV
)	
KARAM DAOUD,)	
)	
Respondent.)	

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

At its regularly scheduled meeting on September 5, 2013, and pursuant to notice described in the Findings of Fact, the Missouri Board for Respiratory Care (“Board”) took up the probation violation complaint alleging that Karam Daoud (“Daoud”) had failed to comply with the terms of his probation.

The board appeared at the hearing through Assistant Attorney General You-Jin Han. Neither Daoud nor any representative appeared at the hearing. Division of Professional Registration Legal Counsel Sarah Ledgerwood served as the board’s legal advisor at the hearing, during deliberations, and in the preparation of this order.

Findings of Fact

1. The Missouri Board for Respiratory Care 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, of the Revised Statutes of Missouri.

2. Daoud is an individual licensed by the Board as a respiratory care practitioner, license number 2002001514. Daoud's license was current and active, but on probation, at all times relevant herein.

3. Effective August 18, 2012, the Board and Daoud entered into a Settlement Agreement ("Settlement Agreement"). Under the Joint Agreed Disciplinary Order ("Disciplinary Order") in the Settlement Agreement, the Board placed Daoud's respiratory care practitioner license on probation for three years.

4. The Disciplinary Order in the Settlement Agreement required Daoud to comply with, among other requirements, the following:

3(ii): Requirements Regarding Employment:

1. Daoud shall cause an employment evaluation form from each and every employer to be submitted to the Board within six weeks of the effective date of this Settlement Agreement. The evaluation form shall be completed by Daoud's supervisor within a four week period prior to the date it is due. If Daoud ends employment, Daoud 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.

2. The evaluation shall be an evaluation of Daoud's job performance and shall be sent by the supervisor address to: Missouri Board for Respiratory Care, P.O. Box 1335, Jefferson City, MO 65102.

...

4. If Daoud is not employed at any time during the period of discipline, Daoud shall instead submit once every six months, beginning six months after unemployment occurs, an affidavit signed before a notary public stating the period(s) of unemployment.

5. Daoud shall keep the State Board for Respiratory Care informed of his current place of employment or of any change in his place of employment by notifying the Board within ten working days of such a change.

...

3(iii): Reports to the Board.

1. Daoud shall report to the Board, on a preprinted form supplied by the Board office, once every three (3) months, beginning one (1) month after this Settlement Agreement becomes effective, stating truthfully whether or not he complied with all terms and conditions of his disciplinary order.

...

3(iv): General Requirements.

...

5. Daoud's failure to comply with any condition of discipline set forth herein constitutes a violation of this Settlement Agreement.

...

7. Daoud shall immediately submit documents showing compliance with the requirements of this Settlement Agreement to the Board when requested.

8. If Daoud fails to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional discipline or other discipline which it deems appropriate.

8. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Daoud agrees

and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

5. In violation of Sections 3(ii)(1), 3(ii)(2), 3(ii)(4), 3(ii)(5), and 3(iii)(1), Daoud failed to complete any of the following requirements of the August 18, 2012 Settlement Agreement and specifically failed to:

- a. Cause any employment evaluation forms to be submitted by any employer of Daoud to the Board;
- b. Submit an affidavit to the Board stating any period(s) of unemployment; and
- c. Submit any reports to the Board stating whether or not he has complied with the Disciplinary Order.

6. On or about October 5, 2012, the Board sent Daoud a written request for the past-due employer evaluation form and report to the Board stating compliance with the Disciplinary Order as required by Sections 3(ii)(1) and 3(iii)1 of the Disciplinary Order.

7. On or about October 21, 2012, Respondent sent the Board an email, which he described as a “licensee report of discipline compliance,” that stated he was “not working as an RT or using [his] RT license for any of [his] work,” and would notify the Board if he began doing so. This email did not state whether or not he had complied with all of the terms and conditions of his Disciplinary Order and was not submitted on the forms required. The email did not contain an employment evaluation form from any employer, the identity of his employer (if

any), and/or any affidavit of unemployment in violation of Section 3(iv)(7) of the Disciplinary Order.

8. On or about August 5, 2013, the Board sent Daoud an Amended Notice of Hearing for the September 5, 2013 Probation Violation Hearing. The Amended Notice contained the date, time and location of the hearing. The Board sent the Amended Notice both by Certified Mail and regular U.S. Mail. The U.S. Mail copy did not get returned to the Board. The Certified Mail receipt was returned to the Board on or about August 9, 2013 showing that someone in Daoud's home at 8100 E. 91st Terrace, Kansas City, Missouri, signed for the Amended Notice on or about August 1, 2013

Conclusions of Law

9. The Board has jurisdiction in this proceeding, pursuant to paragraphs 3(iv)(8) and 8 of the August 18, 2012 Settlement Agreement and § 324.042, RSMo, to determine whether Daoud has violated the terms and conditions of the August 18, 2012 Settlement Agreement.

10. Section 324.042, RSMo, provides,

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

11. Section 334.920.3, RSMo, provides that the disciplinary sanctions available to the board are:

[S]ingly or in combination, censure . . . probation with such terms and conditions as the board deems appropriate for a period not to exceed five years, . . . suspen[sion], for a period not to exceed three years, or . . . revo[cation][.]

12. Daoud violated the August 18, 2012 Settlement Agreement as described in the Findings of Fact above by failing to submit employer evaluations and/or affidavits of unemployment and compliance reports demonstrating compliance with the terms of the Settlement Agreement.

13. The August 18, 2012 Settlement Agreement and § 324.042, RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of the August 18, 2012 Settlement Agreement.

14. Daoud received notice of the probation violation complaint and the time, place and date of the hearing as described above in paragraph 8.

Decision and Order

15. It is the decision of the Missouri Board for Respiratory Care that Daoud has violated the terms of the August 18, 2012 Settlement Agreement and that his license is, therefore, subject to further disciplinary action.

16. The Missouri Board for Respiratory Care orders that the respiratory care practitioner license of Karam Daoud, number 2002001514, be and is hereby **REVOKED**.

Daoud shall immediately return all indicia of licensure to the Board.

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

Entered this 9th day of September, 2013.

MISSOURI BOARD FOR RESPIRATORY CARE



Vanessa Beauchamp
Executive Director