

MISSOURI BOARD FOR RESPIRATORY CARE

MISSOURI BOARD FOR)
RESPIRATORY CARE,)
)
Petitioner,)
v.) Case No. 12-0107 RC
)
MICHAEL BOYD,)
)
Respondent.)

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

On or about April 11, 2012, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Michael Wayne Boyd*, Case No. 12-0107 RC. In that Default Decision, the Administrative Hearing Commission found that Respondent Michael Boyd’s respiratory care practitioner license (license number 100775) was subject to disciplinary action by the State Board for Respiratory Care (“Board”) pursuant to § 334.920.2 (3), (6), (11), (12) and (14), 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 11:10 a.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

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

license. The 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. Michael Wayne Boyd*, Case No. 12-0107 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 June 23, 2012, which was before the Administrative Hearing Commission in issuing its Default Decision:

a. On or about June 24, 2010, Boyd submitted an application to the Board to renew his respiratory care practitioner license. On the application, Boyd answered yes when asked if he had completed the required 24 hours of continuing education.

b. On September 1, 2010, Boyd was sent a letter from the Board notifying him that he had been selected for a random audit of his continuing education requirement and requesting that Boyd sent the Board proof that he had completed the required 24 hours of continuing education.

c. On September 8, 2010, the Board sent Boyd a letter notifying him that it had received documentation from him of 20 hours of completed continuing education but that he was still missing 4 required hours.

d. In part of Boyd's response to the Board, Boyd sent in documentation for having taken continuing education courses for Directed Cough, purportedly taken on August 28, 2008, and Hemodynamic Monitoring, purportedly taken on August 14, 2008.

e. Boyd had altered the continuing education certificates for the aforementioned courses to falsely reflect completion for the classes at a date within the continuing education reporting period.

f. Boyd failed to complete the required 24 hours of continuing education or failed to retain, as required, accurate records pertaining to his continuing education hours.

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 April 11, 2012, in *State Board for Respiratory Care v. Michael Wayne Boyd*, Case No. 12-0107 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 April 11, 2012, Respondent's respiratory care practitioner license is subject to disciplinary action by the Board pursuant to § 334.920.2 (3), (5), (6), (11), (12) and (14), RSMo.

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

III.

ORDER

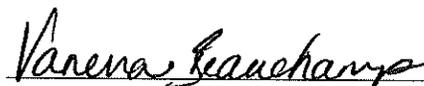
Having fully considered all the evidence before the Board, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the ORDER of the Board that the respiratory care practitioner license of Michael Boyd, license number 100775 is hereby **REVOKED**. Michael Boyd shall immediately return his respiratory care practitioner license, license number 100775, 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

Handwritten signature of Vanessa Beauchamp in cursive script.

Vanessa Beauchamp, Executive Director