

MISSOURI STATE BOARD FOR RESPIRATORY CARE

MISSOURI STATE BOARD FOR RESPIRATORY CARE,)	
)	
)	
v.)	Case No. 13-1065 RC
)	
MICHAEL HILL,)	
)	
Respondent.)	

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

I.

Statement of the Case

On or about October 11, 2013, the Administrative Hearing Commission entered its Default Decision in the case of *State Board for Respiratory Care v. Michael Hill*, Case No. 13-1065 RC. The Administrative Hearing Commission certified the records of its proceedings and its Default Decision in *State Board for Respiratory Care v. Michael Hill*, Case No. 13-1065 RC, to the Missouri State Board for Respiratory Care (the "Board") on approximately December 10, 2013. In its Default Decision, the Administrative Hearing Commission found that Respondent Hill's respiratory care license (license number 2000175073) is subject to disciplinary action by the Board pursuant to § 334.920.2(3), (5), (6), (11), (12) and (14), 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 12, 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 March 4, 2014, at approximately 1:30 p.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Hill's license. The Board was represented by Assistant Attorney General Ron Dreisilker. Respondent was present by telephone for the hearing but 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. Hill holds a license to practice respiratory care from the Board. Pollard'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. Michael Hill*, Case No. 13-1065 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 12, 2013, that Hill was properly served with the complaint and that Hill never filed an answer or otherwise responded to the complaint.

3. In its October 11, 2013, Default Decision the Administrative Hearing Commission found the Board has grounds to discipline Hill's license pursuant to

§ 334.920.2(3), (5), (6), (11), (12) and (14), RSMo, as established in the properly pled complaint, as a result of Hill'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 Hill in a proper and timely fashion. Hill appeared by telephone and testified as to the circumstances surrounding being short seven of his continuing education hours.

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. Michael Hill*, Case No. 13-1065 RC, finding cause to discipline Pollard's license pursuant to § 334.920.2(3), (5), (6), (11), (12) and (14), RSMo.

7. As a result of the foregoing, and as identified in the Default Decision of the Administrative Hearing Commission, Hill's 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.

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 Hill's license is hereby placed on **PROBATION** for a period of one (1) year subject to the following terms and conditions.

I. EDUCATION REQUIREMENTS

- A. Licensee shall complete fourteen (14) hours of continuing education units on or before July 31, 2014. The fourteen (14) hours of continuing education units shall not count toward the twenty-four units required for renewal of Licensee's license. The fourteen (14) hours may be traditional or non-traditional continuing education courses.

II. GENERAL REQUIREMENTS

- A. Licensee shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- B. Licensee shall submit reports to the Missouri Board for Respiratory Care, P.O. Box 1335, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all the terms and conditions of this Settlement Agreement by no later than January 1 and July 1 during each year of the disciplinary period.
- C. Licensee shall keep the Board apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address and home or work telephone number.
- D. Licensee shall comply with all provisions of the Respiratory Care Practice Act, Sections 334.800 through 334.930, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.
- E. During the disciplinary period, Licensee shall timely renew Licensee's license and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensee's license in a current and active state.
- F. If at any time during the disciplinary period, Licensee removes Licensee from the state of Missouri, ceases to be currently licensed under provisions of Sections 334.800 through 334.930, or fails to advise the Board of Licensee's current place of business and residence, the time of Licensee's absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 334.920.3, RSMo.

- G. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.
- H. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).
- I. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Sections 334.800 through 334.930, RSMo, by Licensee not specifically mentioned in this document.

III. ADDITIONAL REQUIREMENTS

- A. Licensee shall not allow Licensee's license to lapse.
- B. Licensee shall notify, within 15 days of the effective date of this Settlement Agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Licensee practices or has privileges of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.
- C. Licensee shall cause employment evaluation forms from each and every respiratory care employer of Licensee's to be submitted to the board within six weeks of the effective date of this order. That evaluation shall include information as to Licensee's orientation and training and overall competency in practicing respiratory care therapies. Thereafter, employment evaluation forms will be due, in the Board's office, on the 1st days of February, May, August and November of every year that this order is in force.

If Licensee ends employment with a healthcare employer, Licensee 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.

If Licensee is not employed as a respiratory care therapist, Licensee shall submit a notarized letter to the Board in lieu of an employment evaluation.

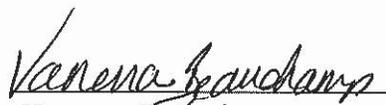
- D. The evaluation shall be sent by each supervisor to:

Missouri Board for Respiratory Care
P.O. Box 1335
Jefferson City, Missouri 65102.

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

Entered this 20th day of March, 2014.

MISSOURI BOARD FOR RESPIRATORY CARE

A handwritten signature in cursive script that reads "Vanessa Beauchamp". The signature is written in black ink and is positioned above the printed name and title.

Vanessa Beauchamp,
Executive Director

MISSOURI BOARD FOR RESPIRATORY CARE

MISSOURI BOARD FOR)	
RESPIRATORY CARE,)	
)	
Petitioner,)	
v.)	Case No. 2013-004194PV
)	
MICHAEL HILL,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DISCIPLINARY ORDER

At its regularly scheduled meeting on December 4, 2014, 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 Michael Hill ("Respondent") had failed to comply with the terms of his probation.

The Board appeared at the hearing through Assistant Attorney General Curtis Schube. Respondent appeared pro se at the hearing, via telephone conference call. Division of Professional Registration Legal Counsel Thomas Mark Townsend 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. Respondent is an individual licensed by the Board as a respiratory care practitioner, license number 2000175073. Respondent's license was current and active, at all times relevant herein.

3. On or About October 11, 2013, the Administrative Hearing Commission ("AHC") entered a Default Decision in the case of State Board for Respiratory Care v. Michael Hill, Case Number 13-1065 RC. A certified record of the AHC proceedings in this matter were sent to the Board on December 10, 2013, and reflected that the Respondent's respiratory care practitioner license was subject to disciplinary action by the Board pursuant to Section 334.920.2(3), (5), (6), (11), (12) and (14), RSMo.

4. A hearing was held before the Board on March 4, 2014, at which the Respondent appeared via telephone. Effective March 20, 2014, the Board issued a Disciplinary Order under which Respondent's respiratory care license was placed on probation for a period of one year.

5. The Disciplinary Order required Respondent to comply with certain terms, among which were the following:

Page 4, I EDUCATION REQUIREMENTS:

A. Licensee shall complete fourteen (14) hours of continuing education units on or before July 31, 2014. The fourteen (14) hours of continuing educational units shall not count toward the twenty-four units required for renewal of Licensee's license. The fourteen (14) hours may be transitional or non-traditional continuing education courses.

Page 4, II GENERAL REQUIREMENTS:

...
B. Licensee shall submit reports to the Missouri Board for Respiratory Care, P.O. Box 1335, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all the terms and conditions of this Settlement Agreement by no later than January 1 and July 1 during each

year of the disciplinary period.

C. Licensee shall keep the Board apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address and home or work telephone number.

Page 5, III ADDITIONAL REQUIREMENTS:

E. Licensee shall cause employment evaluation forms from each and every respiratory care employer of Licensee's to be submitted to the Board within six weeks of the effective date of this order. That evaluation shall include information as to Licensee's orientation and training and overall competency in practicing respiratory care therapies. Thereafter employment evaluation forms will be due, in the Board's office, on the 1st days of February, May, August, and November of every year that this order is in force.

5. In violation of Sections I A; II B and C; and III E, Respondent failed to complete any of the following requirements of the March 20, 2014 Disciplinary Order and specifically failed to:

- a. Complete the necessary 38 continuing education units on or before July 31, 2014;
- b. Submit any reports to the Board stating whether or not he has complied with the Disciplinary Order;
- c. Apprise the Board of his current home and work addresses within ten days of any change of home or work address; and
- d. Cause any employment evaluation forms to be submitted by any employer of Respondent to the Board.

6. As of the date of July 31, 2014, the Board had only received thirty-three (33) of the thirty-eight (38) total continuing education unit hours required of Respondent to be submitted, a violation of Paragraph I.A. of the Disciplinary Order.

7. Respondent failed to submit his compliance report by July 1, 2014, in violation of Paragraph II. B.

8. On or about March 21, 2014, the Board sent Respondent a copy of the Disciplinary Order to 10619 E. 43 Street, Apt 1721, Kansas City, Missouri 64133. The mail was returned as undeliverable. The Board contacted Respondent to inquire as to whether he had changed his address. On or about May 6, 2014, Respondent provided the address 9702 E, 100 Street, Kansas City, Missouri, 64132, as his new address. On or about May 23, 2014, the Board sent the Disciplinary Order to this address. This mail was also returned as undeliverable. On or about June 25, 2014, Petitioner provided another address: 6001 NW 70th Street, Apt. 101, Kansas City, Missouri 64151. On or about June 30, 2014, Petitioner signed for the Disciplinary Order at this address. Respondent's failure to timely provide the Board with an up-to-date address violated Paragraph II. C. of the Disciplinary Order.

9. As of the date the Probation Violation Complaint was filed, the Board had not received the initial employment evaluation, due May 1, 2014, or the employment evaluation due August 1, 2014, a violation of Paragraph III, C of the Disciplinary Order.

Conclusions of Law

10. The Board has jurisdiction in this proceeding, pursuant to paragraph 5, section 3 of the March 20, 2014 Disciplinary Order and § 324.042, RSMo, to determine

whether Respondent has violated the terms and conditions of the March 20, 2014 Disciplinary Order .

11. 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.

12. 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][.]

13. Respondent violated the March 20, 2014 Disciplinary Order as described in the Findings of Fact above by failing to complete the necessary 38 continuing education units on or before July 31, 2014; failing to submit any reports to the Board stating whether or not he has complied with the Disciplinary Order; failing to apprise the Board of his current home and work addresses within ten days of any change of home or work address; and the failure to cause any employment evaluation forms to be submitted by any employer of Respondent to the Board.

14. The March 20, 2014 Disciplinary Order 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 March 20, 2014 Disciplinary Order.

Decision and Order

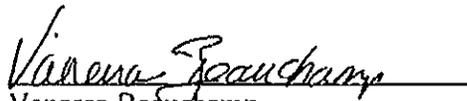
15. It is the decision of the Missouri Board for Respiratory Care that the Respondent has violated the terms of the March 20, 2014 Disciplinary Order and that his license is, therefore, subject to further disciplinary action.

16. The Missouri Board for Respiratory Care orders that the respiratory care practitioner license of Michael Hill, number 2000175073, be and is hereby **REVOKED**. Respondent 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 22nd day of December, 2014.

MISSOURI BOARD FOR RESPIRATORY CARE


Vanessa Beauchamp
Executive Director