

MISSOURI BOARD FOR RESPIRATORY CARE

MISSOURI BOARD FOR)	
RESPIRATORY CARE,)	
)	
Petitioner,)	
v.)	Case No. 2013003830PV
)	
TRACIE POLLARD,)	
)	
Respondent.)	

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

At its regularly scheduled meeting on March 5, 2015, 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 Tracie Pollard (“Pollard” and/or “Licensee”) had failed to comply with the terms of her probation.

The Board appeared at the hearing through Assistant Attorney General Curtis Schube. Neither Pollard nor any representative appeared at the hearing. 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. Pollard is an individual licensed by the Board as a respiratory care practitioner, license number 2005013081. Pollard's license was current and active, but on probation, at all times relevant herein. Pollard's license expired on July 31, 2014.

3. On or about March 4, 2014, a disciplinary hearing was held by the Board, Case Number 13-1049 RC, at which Pollard was present and testified. After the disciplinary hearing had been conducted, the Board issued a Disciplinary Order with an effective date of March 20, 2014. Under the Disciplinary Order, Pollard's respiratory care license was placed on probation for a period of one year.

4. On or about March 21, 2014, the Board sent Respondent a copy of the Disciplinary Order to 3719 Greenwich Lane, Independence, Missouri 64055 via certified mail and via regular U.S. Mail. The Certified Mail was returned and marked "unclaimed." The regular U.S. Mail was not returned as undeliverable.

5. The Disciplinary Order required Pollard to comply with, among other requirements, the following conditions:

I. EDUCATIONAL REQUIREMENTS

A. Licensee shall complete twenty (20) hours of continuing education units on or before July 31, 2014. The twenty (20) hours of continuing education units shall not count towards the twenty-four units required for renewal of Licensee's license. The twenty (20) hours may be traditional or non-traditional continuing education courses.

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 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.

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).

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. The 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

6. On or about November 25, 2014, a Probation Violation Complaint, case number 2013003830, was filed with the Board. The Complaint alleged that, as of the date of filing, Pollard had failed to complete any of the requirements of the March 20, 2014 Disciplinary Order. Specifically Pollard failed to:

- a. Complete the necessary 20 continuing education units on or before July 31, 2014, in violation of section I.A;
- b. Submit any reports to the Board stating whether or not she has complied with the Disciplinary Order, in violation of section II.B;
- c. Apprise the Board of her current home and work addresses within ten days of any change of home or work address, in violation of section II.C;

- d. During the disciplinary period, timely renew her license and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain her license in a current and active state, in violation of section II.E;
- e. Not allow her license to lapse, in violation of section III.A;
- f. 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 she practices or has privileges of her disciplinary status, in violation of section III.B; and
- g. Cause any employment evaluation forms to be submitted by any employer of Respondent to the Board, in violation of sections III.C and D.

7. On or about February 18, 2015, the Board sent Pollard a Notice of Hearing for the March 15, 2015 Probation Violation Hearing. The Notice contained the date, time and location of the hearing. The Board sent the Notice both by Certified Mail and regular U.S. Mail. The U.S. Mail copy did not get returned to the Board. As of the time the March 15, 2015 hearing was convened, the Certified Mail receipt had not been returned to the Board.

8. As of the time the March 15, 2015 hearing was convened Pollard had yet to complete any of the requirements of the March 20, 2014 Disciplinary Order.

Conclusions of Law

9. The Board has jurisdiction in this proceeding, pursuant § 324.042, RSMo, to determine whether Pollard has violated the terms and conditions of the March 20, 2014 Disciplinary Order.

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. Pollard violated the March 20, 2014 Disciplinary Order as described in the Findings of Fact above in failing comply with the terms of the Disciplinary Order.

13. Section 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.

14. Pollard received notice of the probation violation complaint and the time, place and date of the hearing as described above in paragraph 7.

Decision and Order

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

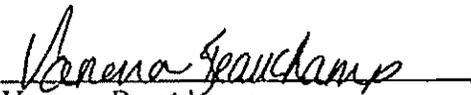
16. The Missouri Board for Respiratory Care orders that the respiratory care practitioner license of Tracie Pollard, number 2005013081, be and is hereby **REVOKED**.

Pollard 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 18th day of April, 2015.

MISSOURI BOARD FOR RESPIRATORY CARE


Vanessa Beauchamp
Executive Director