

ORDER OF THE STATE BOARD OF RESPIRATORY CARE
REGARDING ISSUANCE OF A PROBATED LICENSE TO
JERIMI WORLEY

Comes now the Missouri Board for Respiratory Care (“Board”) and issues its ORDER granting a PROBATED license, license no. 2005039200, to **Jerimi Worley** (“Applicant”), pursuant to the provisions of Sec. 620.149, RSMo 2000. As set forth in Sec. 620.149, RSMo 2000, Applicant may submit a written request for a hearing to the Administrative Hearing Commission seeking a review of the Board’s decision to issue Applicant a probated license within thirty (30) days of delivery or certified mailing of this Order. The written request must be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Rm. 604, Jefferson City, Missouri 65102-1557. If the Administrative Hearing Commission does not receive a written request for review within thirty (30) days, the right to seek review of the Board’s decision shall be considered waived.

I.

Based on the foregoing, the Board hereby states:

1. The State Board for Respiratory Care (“Board”), is an agency of the state of Missouri created and established by § 334.830, RSMo 2000, for the purpose of administering and enforcing the provisions of Chapter 334, RSMo 2000, relating to the practice of respiratory care.
2. Pursuant to the provisions of §620.149, RSMo, the Board hereby issues license no. 2005039200 to Jerimi Worley. License no.2005039200 is issued subject to the terms and conditions set forth herein below.

Count I: Criminal Conviction

3. On or about July 3, 2003, the Board received Jerimi Worley's application for a temporary educational permit to practice respiratory care therapy in Missouri.

4. A temporary educational permit may be issued to an individual currently enrolled in an accredited respiratory care program and is valid for up to six months after completion of the educational program.

5. In response to question 6 on the educational permit application, which states: Have you ever been convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime, whether or not sentence was imposed, (excluding traffic violations)? Applicant answered "yes," but did not provide a notarized statement or certified copies of court documents.

6. On January 5, 1999, Applicant pled guilty to felony tampering in the first degree. On March 2, 1999, Applicant was sentenced to two years with the department of corrections but received a suspended imposition of sentence and was placed on supervised probation for five years. Circuit Court of Christian County, Missouri, case No. CR297-1168F.

7. On March 7, 2000, Applicant admitted to a violation of his probation. On the same date, Applicant was sentenced to two years in the custody of the department of corrections. Execution of this sentence was suspended and Applicant was placed on supervised probation for five years. Case No. CR297-1168F.

8. Pursuant to 569.080.1, RSMo 2000, "A person commits the crime of tampering in the first degree if: ... (2) He knowingly receives, possesses, sells, alters, defaces, destroys or unlawfully

operates an automobile, airplane, motorcycle, motorboat or other moto-propelled vehicle without the consent of the owner thereof.”

9. Felony tampering in the first degree is a crime involving moral turpitude.

10. Cause exists for the Board to deny Applicant’s license pursuant to sections 334.920.1

and 334.920.2 (2), RSMo 2000, which state in pertinent part:

1. The Board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 334.800 to 334.930 for one or any combination of causes stated in subsection 2 of this section. The Board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person’s certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a respiratory care practitioner, for any offense an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

....

Count II: Unlicensed Practice

11. The Board re-alleges paragraphs 1 through 10.

12. On or about July 8, 2003, the Board acknowledged receipt of the application with a letter that stated “your application for an educational permit ... does not however allow you to practice respiratory care in the State.”

13. In January, 2004, Applicant, while still a student at Ozark Technical College, began work at Cox Medical Center South, (“Cox South”), in Springfield, Missouri, as a respiratory care practitioner under the supervision of a respiratory therapist.

14. Applicant was not licensed or authorized to provide respiratory care services.

15. On or about May 16, 2004, Applicant graduated from Ozark Technical College.

16. On or about May 16, 2004, Applicant was hired full-time by Cox South.

17. On or about August 3, 2004, the Board issued Applicant a conditional license.

18. From January, 2004 to on or about August 2, 2004, Applicant provided services of a respiratory care practitioner without a license or permit of any kind.

19. Pursuant to § 334.820.1, RSMo 2000, no person in the state of Missouri shall provide services of a respiratory care practitioner unless such person holds a current and valid license issued pursuant to sections 334.800 to 334.930.

20. Practicing without a license or permit is a violation of the provisions of section 334.800 to 334.9230.

21. Practicing without a license or permit is a violation of professional trust or confidence.

22. Cause exists for the Board to deny Applicant's license pursuant to sections 334.920.1 and 334.920.2 (6) and (12), RSMo 2000, which state in pertinent part:

1. The Board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 334.800 to 334.930 for one or any combination of causes stated in subsection 2 of this section. The Board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.
2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:
 - (6) Violation of, or assisting or enabling any person to violate, any provision of sections 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to 334.930;
.....
 - (12) Violation of any professional trust or confidence;
.....

23. The Board hereby issues this ORDER in lieu of denying Applicant a license to practice respiratory care in Missouri.

TERMS AND CONDITIONS

Based on the foregoing, the license issued to Jerimi Worley, license no. 2005039200 which is contingent on successfully taking the National Board for Respiratory Care certification exam, is subject to the following restrictions:

1. Jerimi Worley's ("Licensee") license will be immediately placed on PROBATION for two years ("disciplinary period"). During the disciplinary period, Licensee shall be entitled to engage in the practice of respiratory care under Chapter 334, RSMo, provided the Licensee adheres to all of the terms and conditions of this Order as set forth below:

I. REQUIREMENTS REGARDING EMPLOYMENT:

- A. Licensee 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 Order. The evaluation form shall be completed by Licensee's supervisor within a four week period prior to the date it is due. If Licensee ends employment with an 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.
- B. The evaluation shall be an evaluation of Licensee's job performance and shall be sent by the supervisor addressed to: Missouri Board for Respiratory Care, P.O. Box 1335, Jefferson City, MO 65102.
- C. Licensee shall execute any release or provide any other authorization necessary for the Board to obtain records of Licensee's employment during the period covered by this Order.

- D. If Licensee is not employed at any time during the period of discipline, Licensee 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.
- E. Licensee shall keep the State Board for Respiratory Care informed of his current place of employment or of any changes in his place of employment by notifying the Board within ten working days of such a change.
- F. Licensee shall not serve as a supervisor to any respiratory care practitioner, temporary or educational permit holder.

II. REPORTS TO THE BOARD

Licensee 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 Order becomes effective, stating truthfully whether or not he has complied with all terms and conditions of his disciplinary order.

III. GENERAL REQUIREMENTS:

- A. Licensee shall keep the Board apprised of his current home and work addresses and telephone numbers.
- B. Licensee shall pay all required fees for licensing to the Board and shall renew his license prior to July 31 of each licensing year. The terms of discipline apply even if Licensee places his license on inactive status.
- C. Licensee shall comply with all provisions of §§ 334.800 to 334.930; 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.

- D. Licensee shall make himself available for personal interviews to be conducted by a member of the Board or the Board for Respiratory Care staff. Said meetings will be at the Board's discretion and may occur periodically during the disciplinary period. Licensee will be notified and given sufficient time to arrange these meetings.
- E. Licensee's failure to comply with any condition of discipline set forth herein constitutes a violation of this Order.
- F. The parties to this Order understand that the Missouri Board for Respiratory Care will maintain this Order as an open record of the Board as provided in Chapters 334, 610 and 620, RSMo.
- G. Licensee shall immediately submit documents showing compliance with the requirements of this Order to the Board when requested.
- H. If Licensee fails to comply with the terms of this order, in any respect, the Board may impose such additional discipline or other discipline which it deems appropriate.
- I. Licensee shall provide all current and future employers a copy of this disciplinary Order within five (5) business days of the effective date of discipline or the beginning date of each employment.

2. Upon the expiration of said discipline, Licensee's license as a respiratory care practitioner in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that the Licensee has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline the Licensee.

3. No Order shall be entered by the Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

4. If the Board determines that Licensee has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

6. The terms of this Order are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Order nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

SO ORDERED EFFECTIVE THIS 9th day of December, 2005

STATE BOARD FOR RESPIRATORY CARE



Vanessa Beauchamp, Executive Director
Missouri Board for Respiratory Care