

RESPIRATORY CARE PRACTITIONER LICENSE NO. RCP00078079

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

CHEETARA FINNELS, RCP

RESPIRATORY CARE BOARD

AGREED ORDER ON FORMAL FILING

On the 7 day of October, 2016, came on to be heard before the Texas Respiratory Care Board (Board), duly in session, the matter of the license of Cheetara Finnels, RCP (Respondent).

On May 11, 2016, Respondent failed to appear at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Texas Medical Board. The Board's representatives were Robert B. Simonson, D.O. and Frank Denton, members of the Board (Panel). Michelle A. McFaddin represented Board staff.

The matter did not settle and Staff filed a formal complaint at the State Office of Administrative Hearings under SOAH Docket No. 503-16-5058.RCP. Prior to a hearing on the merits, the parties reached this settlement. Respondent was not represented. Michelle A. McFaddin prepared this Order.

BOARD CHARGES

Respondent failed to update her address with the Department of State Health Services (DSHS) and the Board and also failed to respond to repeated requests for information from Board Staff.

BOARD HISTORY

Respondent has not previously received a disciplinary order or Remedial Plan from the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Respiratory Care Practitioner Act, Title 3, Subtitle K, Chapter 604, Texas Occupations Code (Act) or the rules adopted thereunder.
- b. Respondent currently holds Texas Respiratory Care Practitioner License No. RCP00078079. Respondent was originally issued this license to practice medicine in Texas on June 5, 2014. Respondent is not licensed to practice in any other state.
- c. Respondent is primarily engaged in the practice of respiratory care.
- d. Respondent is 28 years of age.

2. Specific Panel Findings:

Respondent failed to update her contact information with DSHS and the Board, and therefore failed to receive communications from Board Staff and to respond to Board requests for information.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. Respondent has cooperated in the investigation of the allegations related to this Agreed Order.
- b. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 604.201(b)(9)(A) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of the Act or the rules adopted thereunder; specifically, 25 Tex. Admin. Code §§140.211, 140.212(K) and 140.212(P) by failing to update her address with DSHS and the Board and by failing to respond to repeated requests for information from Board Staff.
3. Section 604.201(a) of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.
4. Section 604.211 of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least four hours of continuing education (CE) in the topic of ethics or risk management, approved for credits by the American Association for Respiratory Care (AARC) and approved in writing in advance by the Executive Director or an authorized designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CE requirements set forth in this paragraph shall be in addition to all other CE required for licensure maintenance.
2. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health

care entities where Respondent is employed or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery showing that the Order was delivered to all such facilities.

3. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

4. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

5. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §604.209(b)(1) of the Act and agrees to 10 days notice.

6. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.


7. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 and 2.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.
(SIGNATURE PAGES FOLLOW)

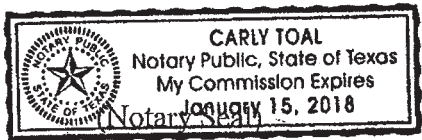
I, CHEETARA FINNELS, RCP, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: _____, 2016.


CHEETARA FINNELS, RCP
Respondent

STATE OF Texas §
COUNTY OF Travis §
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 27 day of September, 2016.




Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Respiratory Care Board on this
7 day of October, 2016.



Joe Ann Clack, Presiding Officer
Texas Respiratory Care Board