



TEXAS BOARD OF RESPIRATORY CARE

REMEDIAL PLAN
MASON CAIN, TRCP

On the 7 day of October 2016 the application for temporary certification as a respiratory care practitioner by Mason Cain ("Applicant") came to be heard before the Texas Board of Respiratory Care ("Board").

This Remedial Plan was offered by the Executive Director, and with the consent of Applicant, as evidenced by Applicant's signature on this Remedial Plan, the Board makes the following Findings and Conclusions of Law and enters this Remedial Plan.

FINDINGS

Applicant failed to disclose on his application for certification with the Board that in 2014 he had been arrested for a misdemeanor offense.

Applicant does not admit or deny the Findings and Conclusions of Law contained herein, but has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation.

BOARD HISTORY

Applicant has not had a prior Remedial Plan with the Board.

MITIGATING FACTOR

Applicant cooperated in the investigation of the allegations that resulted in this Remedial Plan.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Applicant pursuant to the Chapter 604 of the Texas Occupations Code, Title 3, Subtitle K ("Act").
2. Section 604.201(b)(1) authorizes the Board to take action against Applicant based on Applicant's fraud or deceit in procuring, renewing, or attempting to procure a certificate or temporary permit.
3. Section 604.052(a)(1)(G) of the Act authorizes the Board to resolve this matter with a remedial plan.

REMEDIAL PLAN TERMS


Based on the above, the Board grants Applicant a temporary respiratory care practitioner certificate under the following terms and conditions:

1. Within one year following the date of the entry of this Remedial Plan, Applicant shall enroll in and successfully complete at least four hours of continuing education ("CE") in the topic of ethics. The CE shall be approved, recognized, accepted, or assigned continuing education credits by professional organizations or associations such as the American Association for Respiratory Care, and approved in writing and in advance by the Executive Director or her designee. To obtain approval for the course, Applicant shall submit in writing to the Compliance Division of the Board 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. Applicant shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board 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 certification maintenance.
2. The cost for administering the Remedial Plan is \$500. Payment of this cost is due within 90 days of the date of the entry of this Remedial Plan. The cost shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Executive Director for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.


- 3. The terms of this Remedial Plan are not subject to modification or early termination.
- 4. Applicant shall comply with all the provisions of the Act and other statutes regulating Applicant's practice.
- 5. Applicant shall fully cooperate with the 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 Applicant's compliance with this Remedial Plan.
- 6. Any violation of the terms, conditions, or requirements of this Remedial Plan by Applicant 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 Applicant pursuant to the Act.
- 7. This Remedial Plan shall automatically terminate upon Applicant's submission to the Board of evidence deemed to be sufficient by the Compliance Division of the Board that Applicant successfully completed the requirements set forth in the Remedial Plan Paragraph Nos.1 and 2.

THIS REMEDIAL PLAN IS A PUBLIC RECORD.
THIS REMEDIAL PLAN IS NON-DISCIPLINARY.

I, MASON CAIN, HAVE READ AND UNDERSTAND THE FOREGOING REMEDIAL PLAN. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS REMEDIAL PLAN IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.




 MASON CAIN
 Applicant



 DATE

SIGNED AND ENTERED by the presiding officer of the Texas Board of Respiratory Care on
this 7 day of October, 2012



Joe Ann Clack, Presiding Officer
Texas Board of Respiratory Care