

IN THE MATTER OF

ADEYEMI JOEL-TAIWO

BEFORE A DISCIPLINARY PANEL

OF THE TEXAS BOARD OF

RESPIRATORY CARE

AGREED CEASE AND DESIST ORDER

On the 7 day of October, 2016, this matter was heard before the Texas Board of Respiratory Care (Board). Adeyemi Joel-Taiwo, (Respondent) has waived any right to a hearing pursuant to the Respiratory Care Practitioner Act (Act), Title 3, Subtitle K, Chapter 604 of the Texas Occupations Code,¹ and the rules adopted thereunder.

Upon the recommendation of the Board's staff and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law and all jurisdictional requirements have been satisfied.
2. Respondent is not licensed to as a respiratory care practitioner in the State of Texas.
3. On or before February 25, 2016, Respondent represented to the public that she was a "Respiratory Therapy Assistant" at De Divine Connection Medical Supply, Inc. (De Divine), when in fact she was not licensed to provide respiratory therapy care, nor was she employed at De Divine.
4. Respondent has cooperated in the investigation of the allegations related to this Order. Respondent does not admit or deny the Findings and Conclusions of Law contained herein but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of

¹ S.B. 202, Acts of the 84th Legislature, R.S. (2015) amended substantive provisions in the Respiratory Care Practitioner Act, TEX. OCC. CODE ANN. Chapter 604 (Vernon) to reflect amendments enacted earlier in the 84th Legislative Session pursuant to S.B. 219 and to transfer of the respiratory care practitioner program from the DSHS to the Texas Medical Board effective September 1, 2015. S.B. 202 explicitly states that any rule of the DSHS that was in effect on September 1, 2015 remains in effect until changed by the Board. S.B. 202, Acts of the 84th Legislature, R.S. §2.199 (June 17, 2015). The Board has not yet promulgated new rules for this regulatory program.

litigation. Respondent agrees to the entry of this Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on these Findings, the Board concludes that

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Respiratory Care Practitioner Act (Act), Title 3, Subtitle K, Chapter 604 of the Texas Occupations Code (the Act).

2. Section 604.101(a) of the Act provides that a person may not represent that the person is able to practice respiratory care or that the person is a respiratory care practitioner unless the person holds a certificate or temporary permit issued under this chapter.

3. Section 604.102 of the Act provides that a person who does not hold a certificate or temporary permit under this chapter as a respiratory care practitioner or whose certificate or permit has been suspended or revoked may not use in connection with the person's practice the words "respiratory care," "respiratory therapist," "respiratory care practitioner," "certified respiratory care practitioner," or "respiratory therapy technician"; any other words, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner; or directly or by implication represent in any way that the person is a respiratory care practitioner.

4. Title 25, Part 1 of the Texas Administrative Code (Board Rules) sets forth the Board's Rules, including those regarding unlawful representation of an unlicensed person as a respiratory care practitioner.

5. Title 25, Part 1 of the Texas Administrative Code, Section 140.214(b) states that a person is guilty of a Class B misdemeanor if:

- (1) a person intentionally or knowingly represents oneself as able to practice respiratory care or represents oneself as a respiratory care practitioner unless the person holds a certificate or permit issued under the Act; or

- (2) a person who is not permitted or certified under the Act as a respiratory care practitioner or whose temporary permit or certificate has been suspended or revoked uses in connection with his or her practice the words "respiratory care," "respiratory therapist," "respiratory care practitioner," "certified respiratory care practitioner," "respiratory therapy technician," or the letters "RCP" or any other words, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner. Such a person may not in any way, either orally, in writing, in print, or by sign, directly or by implication, represent himself or herself as a respiratory care practitioner.

ORDER

Based on the findings of fact and conclusions of law, the Board ORDERS that:

1. Respondent shall cease and desist any from acting as, or holding herself out to be, a licensed respiratory care practitioner in the State of Texas, which includes referring to herself as a "respiratory care assistant" "respiratory therapist," "respiratory care practitioner," "certified respiratory care practitioner," "respiratory therapy technician," or the letters "RCP" or any other words, letters, abbreviations, or insignia indicating or implying that Respondent is a respiratory care practitioner.


2. Any violation of this Order constitutes grounds for imposing an administrative penalty of up to \$5000 for each violation, and/or each day of a continuing violation, of the Medical Practice Act.

RESPONDENT WAIVES THE RIGHT TO A HEARING PURSUANT TO THE RESPIRATORY CARE PRACTITIONER'S ACT, §604.052, AND TITLE 25, PART 1 OF THE TEXAS ADMINISTRATIVE CODE (BOARD RULES), AS APPLICABLE, AND ALL RIGHTS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT, TEX. GOV'T CODE, CHAPTER 2001, INCLUDING THE RIGHT TO NOTICE AND HEARING, AND TO ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO THIS ORDER. RESPONDENT AGREES TO THE ENTRY OF THIS ORDER AND AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES FOLLOW]

I, ADEYEMI JOEL-TAIWO, RESPONDENT, HAVE READ AND UNDERSTAND THIS ORDER. MY SIGNATURE BELOW IS VOLUNTARY. THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I HAVE SIGNED THIS ORDER ON THE 29th DAY OF Aug, 2016.

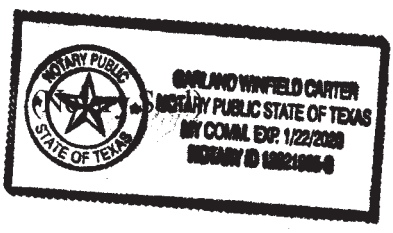

Adeyemi Joel-Taiwo
Respondent

STATE OF TEXAS
COUNTY OF HARRIS

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 29th day of Aug, 2016.


Signature of Notary Public



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



Joe Ann Clack, Presiding Officer
Texas Respiratory Care Board