

BEFORE THE IOWA BOARD OF  
RESPIRATORY CARE EXAMINERS

---

IN THE MATTER OF:	)	Case number 05-003
	)	
Tammara Sue Lutz,	)	STATEMENT OF THE
	)	MATTERS ASSERTED
Respondent.	)	

---

COMES NOW the Iowa Board of Respiratory Care Examiners, and in support of the Notice of Hearing filed in this case on this 9th day of November, 2006, sets forth the following summary of the facts which support the allegations contained in the Notice of Hearing.

1. On about April 19, 2005, Respondent was sent by her employer to set up and test an oxygen conserving device for a client (G.P.). The testing of the device was to include assessment of the function of the device and the capability of the device to provide a proper amount of oxygen to the client. Respondent did not perform the assessment because she had left her clinical bag at home. Instead of returning to the client with the equipment necessary to perform the client assessment, she filled out and signed a two page documentation of her visit. The document listed test results that respondent did not perform. Failure to assess a client on a respiratory care device may cause client harm.

2. On October 26, 2005, Respondent pled guilty to Second Degree (felony) theft in violation of Iowa Code sections 714.1(1), 714.1(4) and 714.2(2). The court accepted her guilty plea. On December 8, 2005, judgment and sentence was deferred for a period of two years' probation. Restitution was ordered and various fees and costs were imposed on Respondent.

3. The theft involved respiratory care devices owned by her employer and returned to Respondent from clients. Respondent failed to return the devices to her employer's warehouse when they were picked up by her and failed to return them when she terminated her employment on about April 26, 2005.

4. Between February 2005 and May 2005 she and her accomplice, Cassie Dierks, sold the stolen respiratory care devices to at least five different individuals. Respondent removed the serial numbers from the devices with serial numbers to make tracing difficult. This also made the devices subject to service restriction by the manufacturer. When selling the devices false statements were made about the origin and prior use of the device. The respiratory care devices were sold without Respondent or her accomplice knowing whether the buyer had a prescription for the device or knowledge or professional assistance in its operation. The public and user of respiratory care devices may be harmed if the device is not properly maintained and set for a user's assessed need.

5 On October 23, 2006, the Board found probable cause to approve this Statement of Matters Asserted.

**This statement of matters asserted is approved by the board on October 23, 2006.**