

**BEFORE THE BOARD OF RESPIRATORY CARE EXAMINERS
OF THE STATE OF IOWA**

**IN THE MATTER OF THE APPLICATION

FOR RESPIRATORY CARE LICENSURE OF

DONNARD A. HELMS, APPLICANT**

PRELIMINARY NOTICE OF INTENT TO DENY LICENSURE

TO: Donald A. Helms

YOU ARE HEREBY NOTIFIED that pursuant to Iowa Code Section 147.4 (2003), the Board may refuse to grant a license to practice respiratory care upon any of the grounds for which a license may be revoked or suspended. On February 15, 2005, the Iowa Board of Respiratory Care Examiners voted to issue this preliminary notice of intent to deny your application for an Iowa license to practice respiratory care. The intent to deny licensure is based upon the following:

STATUTORY VIOLATIONS

I. Fraud in procuring a license, in violation of Iowa Code Sections 147.55(1) and 272C.10(1) (2005) and 645 IAC 253.2(1). Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice in this state, which includes false representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state, or attempting to file or filing with the board any false or forged document submitted with an application for a license in this state.

II. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code Sections 147.55(3) and 272C.10(3) (2005) and 645 IAC 263.2(3).

FACTUAL CIRCUMSTANCES

1. On January 24, 2005, the Iowa Board of Respiratory Care Examiners (Board) received an application for licensure from Donald Helms.

2. Mr. Helms answered “no” to Question #12 of the application, which asked: “*Has any state licensing, registration or certification organization instituted disciplinary action relative to your professional practice?*”

3. Question #21 asked, “*Are you licensed, registered or certified in another state?*” Mr. Helms listed Missouri as the only state in which he had held a respiratory care license.

4. On January 25, 2005, the National Board for Respiratory Care, Inc. notified the Board the applicant had disciplinary action taken against his license in the state of Arizona.

5. On March 20, 2003, the Arizona Board of Respiratory Care voted to revoke Mr. Helm's license to practice respiratory care in Arizona on March 20, 2003 for (1) obtaining a fee by fraud, deceit, or misrepresentation, and (2) abandoning or neglecting a patient, including failing to report for or leaving a respiratory therapy assignment before properly advising appropriate personnel, based on the following facts:

a. Mr. Helms reported a lost payroll check. A second check was issued. Mr. Helms picked up and cashed the second check. About 10 days later he also cashed the initial check. Mr. Helms was contacted and asked to pay the check amount plus a fee totaling \$741.78. His employer had to involve its attorney and make a court appearance to clarify the issue that Mr. Helms was responsible for the check amount plus fees.

b. Mr. Helms was terminated from employment for abandoning a scheduled shift. Mr. Helms reported for work at 1830 but punched out one hour later and left the facility.

6. Mr. Helms stated that he had not held a license in Arizona, but had been issued a temporary permit in Arizona. He further stated that because he had not held a license in Arizona, his answers to #12 and #21 on the application for an Iowa license were correct.

7. According to records obtained from the Arizona Board of Respiratory Care, Mr. Helms was issued a temporary permit in September of 2001 and issued a full license to practice respiratory care in Arizona on July 3, 2002.

NOTICE OF APPEAL RIGHTS

Pursuant to the provisions of 645 IAC 11.32, you may appeal the Board's denial of license by serving a notice of appeal and request for hearing on the Board's administrator not more than thirty days from the date of this notice. A photocopy of this rule is attached.

This preliminary notice of intent to deny licensure is approved by the board on April 6, 2005.