

BEFORE THE IOWA BOARD OF RESPIRATORY CARE

IN THE MATTER OF : No. 09-009

TERESHA PRATT :
License #02271 : SETTLEMENT AGREEMENT
Respondent. : AND FINAL ORDER

COMES NOW the Iowa Board of Respiratory Care (Board) and Teresha Pratt (Respondent), and pursuant to Iowa Code §§ 17A.10 and 272C.3(4), hereby enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

1. Respondent was issued Iowa license number 02271 on August 18, 2006. Respondent's license expired March 31, 2010.
2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on November 18, 2010, charging Respondent with professional incompetency in violation of Iowa Code § 147.55(2), 272C.10(2) and 645 IAC §§ 263.2(2)(c) and (d) and negligence in the practice of the profession in violation of Iowa Code § 147.55(3),

272C.10(3) and 645 IAC § 645 – 263.2(10).

3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.

4. Execution of this Settlement Agreement and Final Order constitutes the resolution of a contested case. Respondent has a right to a hearing on the charges, but waives Respondent=s right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order. Respondent agrees that the State=s counsel may present this agreement to the Board and may have *ex parte* communications with the Board while presenting it.

6. This Settlement Agreement and Final Order is subject to approval by the Board. If the Board approves this Settlement Agreement and Final Order, it becomes the final disposition of this matter. If the Board fails to approve this Settlement Agreement and

Final Order, it shall be of no force or effect to either party.

7. This Settlement Agreement and Final Order shall be part of Respondent=s permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may impose other licensee discipline in accordance with Iowa Code ' 272C.3(2)(a).

9. This Settlement Agreement and Final Order is a public record available for inspection and copying upon execution of this Settlement Agreement and Final Order in accordance with the requirements of Iowa Code Chapters 22 and 272C. The Notice of Hearing is also a public record which became available for inspection and copying the date it was filed in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

10. The Board=s approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

11. Respondent shall voluntarily surrender her respiratory care license within ten (10) days from the date of the Board=s approval of this Settlement Agreement and Final Order.

12. Application for reinstatement may not be made until one year has elapsed from the date of the voluntary surrender. Respondent shall not be considered for reinstatement of her respiratory care license until she has completed and provided the Board with documentation of completion of nine (9) hours of continuing education, six (6) hours in patient care and three (3) hours in ethics. Respondent understands that reinstatement is at the sole discretion of the Board.

13. If Respondent applies for and receives reinstatement of her respiratory care license subsequent to completion of the continuing education hours as outlined in paragraph 12 herein and pursuant to the provisions of 645 ' ' 11.31, 261.14 and 261.15, she shall be placed on probation for one year from the date of reinstatement. During this probation, Respondent shall:

a. obtain Board approval for another license respiratory care therapist to serve as her practice monitor. During the period of probation, the practice monitor shall periodically observe Respondent and randomly review selected patient records to ensure Respondent is following proper protocols and meeting applicable standards of care;

b. submit quarterly written reports to the Board no later than August 1, 2011, November 1, 2011, February 1, 2012 and May 1, 2012. The quarterly reports shall include all information necessary to verify Respondent's compliance with the terms of probation including but limited to:

1. the time period covered by the report;
2. the name and address of any place Respondent is employed as a respiratory care practitioner and a description of her duties;
3. the name and license number of Respondent's practice monitor

c. notify the board in writing prior to any change in her practice address or status. Failure to notify the board within fifteen (15) days of a change in employment status shall constitute a violation of this agreement.

d. ensure that the Board approved practice monitor submit a quarterly written report of the practice monitor's observations and findings. Respondent shall be responsible for any costs associated with the practice monitor reviews and reports.

e. upon request of the Board, Respondent shall appear before the board to report on the status of her practice and to answer any questions or concerns the board may have regarding her practice as a respiratory care practitioner. The Board shall provide Respondent with reasonable notice of time, date and place for any requested appearance. Respondent agrees that any such appearance is governed by 645 IAC 9.7 and waives any and all objections to the Board members both participating in the appearance and later participating as decision makers in a contested case hearing.

14. Upon full compliance with the terms and conditions of the probation, Respondent's license to practice as a respiratory care practitioner in the State of Iowa shall be restored to its full privilege, free and clear of all restrictions.

This settlement agreement and final order is accepted by the Iowa Board of Respiratory Care on the 14th day of July, 2011.