

**RESPIRATORY CARE PRACTITIONERS GOVERNING BOARD  
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
ALLIED HEALTH PROFESSIONALS  
Philbrook Building, 121 South Fruit Street  
Concord, New Hampshire 03301**

**In The Matter Of:**

**Docket #06-2015**

**Jamie Swift, RCP  
(Adjudicatory Proceeding)**

**DECISION AND ORDER**

**By the Board:** Richard W. Mozier, RCP, Presiding Officer, Sarah Stone, RCP, Douglas Hall, RCP, Jeffrey T. Reisert, D.O.

**Also present:** Tina M. Kelley, Administrator to the Board; Tom Broderick, Board Counsel

**Appearances:** Michelle Heaton

On October 8, 2015, the New Hampshire Respiratory Care Practitioners Governing Board (“Board”) issued a Notice of Hearing to Jamie Swift, RCP (“Ms. Swift” or “Respondent”). The Board canceled the hearing scheduled for November 12, 2015 and on November 19, 2015 issued an Order to reschedule the hearing. The hearing scheduled for November 12, 2015 was rescheduled for December 10, 2015.

On December 10, 2015, the hearing was held in accordance with RSA 328-F:23 and 328-F:24; Aph 200 and Resp 200. Ms. Swift appeared before the Board *pro se*.

**Background Information**

1. The New Hampshire Respiratory Care Practitioners Governing Board (“Board”) first granted a respiratory care practitioner license to Jamie Swift, RCP (“Jamie L. Swift, RCP” or “Respondent”) on August 10, 2012. Respondent holds license number 1222.
2. On June 5, 2015, the Board received a letter from Respondent self-reporting that her license to practice as a respiratory therapist in Massachusetts had been revoked on

March 11, 2014 and she had subsequently been placed on the Federal Exclusions list by the Office of the Inspector General.

3. Based upon the information gathered during the investigation as outlined herein, the Board finds that there is a reasonable basis for commencing an adjudicatory/ disciplinary proceeding against the Respondent pursuant to RSA 328-F:23 and 24.
4. In support of this *Notice of Hearing*, the Board alleges the following facts:
  - A. On June 13, 2012, Respondent documented that she had evaluated a patient when she in fact had not. The next day, Respondent was placed on leave while the incident was investigated by her employer, and was subsequently terminated.
  - B. On June 15, 2012, Respondent signed her initial application for licensure in New Hampshire, which was received by the Board on June 20, 2012. On her initial application for licensure, Respondent marked “no” in response to the question “Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked any of the following settings: hospital, healthcare institution, home health care agency, educational institution, or other professional settings.” Respondent certified that all the information provided in the application was complete and accurate to the best of her knowledge and belief when she signed the application.
  - C. On September 24, 2013, the Massachusetts Board of Respiratory Care issued an Order to Show Cause ordering Respondent to show cause why the Massachusetts Board of Respiratory Care should not take disciplinary action against Respondent based on the allegations relating to the events of the June 13, 2012 incident.

- D. Respondent received the Massachusetts Order to Show Cause at the end of September in 2013.
- E. On October 15, 2013, Respondent signed her 2013 Renewal Application, which was received by the Board on November 27, 2013. Again, Respondent marked “no” in response to the question “Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked any of the following settings: hospital, healthcare institution, home health care agency, educational institution, or other professional settings.” She also marked “no” in response to the question “Do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board of any state or jurisdiction?” By signing the application, Respondent certified that all the information provided in the application was complete and accurate to the best of her knowledge and belief.
- F. On March 11, 2014, the Massachusetts Board issued a Final Decision and Order by Default revoking Respondent’s license to practice as a Respiratory Therapist in the state of Massachusetts.
- G. In October of 2014, Respondent was notified that she had been placed on the Federal Exclusions list with the Office of the Inspector General.
- H. In May 2015, the Massachusetts Board accepted a Post-Revocation Consent Agreement for Probation. According to this agreement, the Massachusetts Board agreed to reinstate Respondent’s license in consideration for Respondent agreeing to

be subject to two years' probation and agreeing to complete additional continuing education in the areas of time management, legal and ethical responsibilities, and patient rights.

An adjudicatory hearing commenced on December 10, 2015, the specific issues to be determined included:

- A. Whether, on June 15, 2012, Respondent knowingly or negligently provided inaccurate material information to the Board during the process of applying for a license in violation of RSA 328-F:23, II (a) and Resp 405.01(a);
- B. Whether, on October 15, 2013, Respondent knowingly or negligently provided inaccurate material information to the Board during the process of applying for a license renewal in violation of RSA 328-F:23, II (a) and Resp 405.01(a);
- C. Whether, on March 11, 2014, Respondent was subject to a disciplinary action by a regulatory authority in another jurisdiction in violation of RSA 328-F:23, II (g) and Resp 405.01 (g);
- D. If any of the above allegations are proven, whether and to what extent Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV.

At the hearing the Board reviewed numerous exhibits. The following exhibits were provided on November 2, 2015 by Hearing Counsel, Attorney Michelle Heaton:

**Exhibits:**

Exhibit #1 – Commonwealth of Massachusetts Order to Show Cause

Exhibit #2 – Commonwealth of Massachusetts Final Decision and Order by Default

Exhibit #3 – Commonwealth of Massachusetts Post-Revocation Consent Agreement for  
Probation

Exhibit #4 – State of New Hampshire Application for Initial Licensure or Certification

Exhibit #5 – State of New Hampshire 2013 Renewal Application

Exhibit #6 – A letter from Ms. Swift to the Board received June 5, 2015

Exhibit #7 – A letter from Ms. Swift to the Board received June 18, 2015

Exhibit #8 – Massachusetts internet page showing a list of posted disciplinary actions

Exhibit #9 – Swift Interview

Ms. Swift did not submit any exhibits.

At the hearing Attorney Michelle Heaton presented the State's case first. Ms. Heaton called one witness, Ms. Swift.

**Jamie L. Swift** testified about the circumstances that surrounded the incident that she had been disciplined for in Massachusetts. She admitted that she documented services that were not provided to the patient. Ms. Swift stated that she had signed the application for initial licensure and answered the question "Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked in any of the following settings: hospital, healthcare institution, home health care agency, educational institution, or other professional settings." by placing an "X" under the "No" column. Ms. Swift stated that she knew that she had been placed on "Administrative Leave" by UMass and did not provide an accurate answer to this question. Ms. Swift also admitted that she did not provide accurate information to the Board on her 2013 renewal application by answering "No" to the questions: "Do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board of any state or jurisdiction?" and "Have you, for disciplinary reasons, been put on administrative leave or had any privileges limited, suspended or revoked in any of the following settings: hospital, healthcare institution, home health care agency, educational institution, or other professional settings."

**Applicable Laws:**

**Relevant Law:**

RSA 328-F:23, II(a):

Misconduct sufficient to support disciplinary proceedings shall include:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for license, license renewal, and license reinstatement.

RSA 328-F:23, II(g):

Misconduct sufficient to support disciplinary proceedings shall include:

- (g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction.

RSA 326-E:3, I:

I. An applicant for an initial license to practice respiratory care shall be of good professional character and shall:....

Resp 405.01 (a):

Misconduct shall be:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, or license reinstatement;

Resp 405.01 (g):

Misconduct shall be:

- (g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;

**Findings of Fact and Rulings of Law:**

In light of the evidence and Ms. Swift's testimony the Board made the following findings of fact and rulings of law:

- A. That Board finds that on June 15, 2012 the Respondent knowingly provided inaccurate material information to the Board during the process of applying for a license in violation of RSA 328-F:23, II (a) and Resp 405.01(a);

- B. The Board finds that on October 15, 2013 the Respondent knowingly provided inaccurate material information to the Board during the process of applying for a license renewal in violation of RSA 328-F:23, II (a) and Resp 405.01(a);
- C. The Board finds that on March 11, 2014 the Respondent was subject to a disciplinary action by a regulatory authority in another jurisdiction in violation of RSA 328-F:23, II (g) and Resp 405.01 (g);
- D. If any of the above allegations are proven, whether and to what extent Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV.

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Swift violated the laws and rules of the State of New Hampshire. After considering all the evidence and taking into account Ms. Swift's testimony the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Swift is fined \$250 to be paid within 30 days of the date of this Order.

IT IS FURTHER ORDERED, that Ms. Swift is required to comply with the probation requirements as outlined in the Post-Revocation Consent Agreement for Probation issued by the Massachusetts Board of Respiratory Care. Ms. Swift shall provide the Board with documentation from the Massachusetts Board of Respiratory Care that she is in full compliance with the Post Revocation Consent Agreement for Probation on or before May 31, 2017.

IT IS FURTHER ORDERED that if the Massachusetts Board of Respiratory Care issues any subsequent orders to the Post Revocation Consent Agreement for Probation that Ms. Swift shall provide a copy of the order or decision to the Board within 15 days of the date of that order or decision.

IT IS FURTHER ORDERED that Ms. Swift shall bear all costs of complying with the terms of this Decision and Order, but she shall be permitted to share such costs with third parties.

IT IS FURTHER ORDERED that the Board may consider Ms. Swift's compliance with the terms and conditions herein in any subsequent proceeding before the Board.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Swift shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Respiratory Care Practitioners and to any agency or authority which licenses, certifies or credentials Respiratory Care Practitioners, with which Ms. Swift is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Swift furnish a copy of this Decision and Order to any employer for whom she performs services as a Respiratory Care Practitioner and/or agency, or authority with which Ms. Swift is affiliated which licenses, certifies or credentials Respiratory Care Practitioners for one year from the effective date of this Decision and Order.

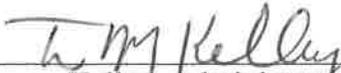
IT IS FURTHER ORDERED that Ms. Swift's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Swift's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: January 15, 2016

  
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Tina M. Kelley, Administrator  
Authorized Representative of the  
Respiratory Care Practitioners Governing Board