

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE APPLICATION
FOR SOUTH DAKOTA RESPIRATORY
CARE PRACTITIONER
LICENSURE SUBMITTED BY
JOE H. BUSH

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

WHEREAS, the investigative review panel of the South Dakota Board of Medical and Osteopathic Examiners having performed due diligence with regard to the application of Joe H. Bush, for licensure, and the South Dakota Board of Medical and Osteopathic Examiners, being fully advised of the premises, hereby makes and enters its:

FINDINGS OF FACT

1. April 14, 2008- Joe H. Bush hereinafter called Applicant, signed and submitted his initial application for licensure. He provided affirmative answers to several questions which indicated he was the subject of proceedings by a licensing agency, he had been requested to appear before a licensing board concerning a violation of law, and his license was revoked.
2. The Applicant provided explanations for the affirmative answers in that he stated he had a temporary license in Arizona and during that time, he was charged with placing oxygen on a patient without a physician's order, which is a violation of Arizona law.
3. April 24, 2008 – A letter from the Arizona State Board of Respiratory Care stated that the Applicant applied for a temporary license, but engaged in practice without first obtaining the temporary license. It was found that his actions were unprofessional, and his behavior was a threat to the public health and safety. They issued an immediate order of summary suspension. The administrative hearing resulted in the imposition of a three year term of probation with restrictions on his temporary license. The Applicant then requested that he be allowed to surrender his temporary license and withdraw his application for a permanent license. The Arizona Board accepted his request.
4. June 17, 2008- Applicant met with the investigative review panel and reported that he had a license in Colorado and he failed to report his Arizona actions to the Colorado Board when he applied for a license in that state. Applicant also failed to report his Arizona actions to the licensing Boards in Kansas and Nebraska where he also held licenses.
5. December 3, 2008 – Applicant submitted a request to withdraw his application.

6. December 9, 2008 – Letter was sent to Applicant acknowledging receipt of his request to withdraw his application, and informing him that because he was under investigation, the Board may grant his request to withdraw while under investigation. He was further informed that he could contact the office to rescind his request to withdraw by January 1, 2009, and if he did not contact the office by that date, his request to withdraw while under investigation, which is a reportable action, would be presented to the Board for their determination.
7. Based upon information and belief, the applicant received the December 9, 2008 letter.
8. January 3, 2009 – Applicant did not respond by January 1, 2009 and the file was prepared for Board consideration.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the application for licensure under the provisions of SDCL Chapter 36-4C.
2. The applicant has the burden of proving that he is competent and that he is of good moral character.
3. The Board received a request from the Applicant to withdraw the initial application.
4. Applicant was informed that withdrawal while under investigation is reportable action.
5. The Board may grant an applicant's request to withdraw an application while under investigation.

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law herein are approved.

Dated this 8th day of April, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD, President

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE INITIAL
APPLICATION FOR A SOUTH
DAKOTA RESPIRATORY CARE
PRACTITIONER LICENSURE
SUBMITTED BY JOE H. BUSH

ORDER TO GRANT
WITHDRAWAL OF INITIAL
RESPIRATORY CARE
PRACTITIONER LICENSE
WHILE UNDER
INVESTIGATION

The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by the Investigative Review Panel due to information found during the application process; and the applicant subsequently requested that he be allowed to withdraw the initial application for licensure; and the Board being fully advised in the premises and having heretofore made and entered its Findings Of Fact And Conclusions Of Law, it is therefore ORDERED that the request from Joe H. Bush, is granted and Mr. Bush will be allowed to withdraw while under investigation, and that this ORDER TO ALLOW WITHDRAWAL WHILE UNDER INVESTIGATION is a public document that will be published on the Board website, reported to all entities the Board deems appropriate and necessary, and placed in the investigative file so that if the applicant submits an application for licensure in the future, the investigative file will be reopened and available for any future investigation.

Dated this 8th day of April, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Robert L. Ferrell, MD, President
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