



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
ALLEN D. MCKITRICK
RESPIRATORY CARE LICENSE #4495**

WHEREAS the North Carolina Respiratory Care Board (the "Board") is charged with the administration of The Respiratory Care Practice Act, codified in the North Carolina General Statutes at G.S. 90-646 et. seq. (the "Act"); and

WHEREAS on or about September 8, 2005, the Board issued a license to practice respiratory care to Mr. Allen D. McKitrick ("Licensee"), license number 4495; and

WHEREAS the Board received a complaint Board staff that the Licensee had failed to disclose his criminal history on his application for licensure; and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of the Licensee to determine if he has violated, is violating, or is about to violate any provisions of the Act; and

WHEREAS on October 5, 2005, the Investigation and Informal Settlement Committee of the Board, acting pursuant to 21 NCAC 61.0203, conducted an interview of the Licensee to determine the qualifications of the Licensee; and

WHEREAS the Board met on October 6, 2005 and determined to issue a Consent Order to the Licensee; and

WHEREAS the Licensee agrees to the entry of this Consent Order, and voluntarily agrees to waive any rights to a hearing upon entry of this Consent Order, and waives the right to seek judicial review or otherwise challenge or contest the validity of this Consent Order;

AND WHEREAS upon the entry of this Consent Order, this matter will be resolved with the express understanding that the Licensee will comply with all of the terms contained herein.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

Allen D. McKitrick consents to being licensed to practice respiratory care on Probationary Status for a period of one year from the date of signature of this Consent Order.

Allen D. McKitrick shall cause his immediate Respiratory Care supervisor to submit written quarterly reports to the Board, which shall be submitted by the 15th day of January 2006, April 2006, July 2006 and October 2006. Each such written report shall document Allen D. McKitrick's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about Allen D. McKitrick's practice of Respiratory Care.

Allen D. McKitrick agrees to permit the Board to conduct random drug testing during his probationary period. The costs of all drug testing will be paid by Allen D. McKitrick. The Board will determine the laboratory where the testing would be performed and the manner in which the sample would be collected, and will instruct Allen D. McKitrick regarding the details of how any drug test should occur.

Allen D. McKitrick agrees to pay to the Board before his next renewal date, September 8, 2006, the sum of \$250.00 for Civil Penalties which are authorized by G.S. 90-666(a) and 21 NCAC 61.0309 (d)(1) and the sum of \$100.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

Allen D. McKitrick shall continue to comply with the Act, the Board's Rules, and the Board's published interpretation of those rules.

Entry of this Consent Order is without prejudice to the right of the Board to take any administrative or judicial action against Licensee to enforce this Consent Order if the Board determines that Allen D. McKitrick is not fully complying with any term or condition stated herein.

This Consent Order shall become final when accepted by Allen D. McKitrick and entered by the Board based on execution of the Consent Order by its Executive Director.

CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, Allen D. McKitrick, state that I have read the foregoing Consent Order; and that I know and fully understand its contents. I understand and agree that it is being entered to allow me to continue to be licensed by the Board to practice respiratory care, while fulfilling the Board's responsibility to regulate the practice of respiratory care. I consent to the entry of this Consent Order and agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein, as a condition of maintaining my license from the North Carolina Respiratory Care Board.

Allen D. McKitrick
Allen D. McKitrick

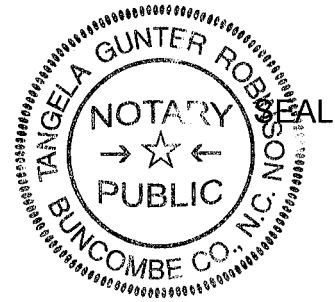
STATE OF NORTH CAROLINA)
COUNTY OF Buncombe)

There personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, Allen D. McKitrick, who after having presented documentation of his identity that was satisfactory to me did acknowledge that he executed the foregoing Consent Order as his free and voluntary act.

This 15 day of November, 2005

Tangela Gunter Robison
Notary Public

My Commission Expires: 6/17/07



ENTRY OF CONSENT ORDER ON BEHALF OF THE NORTH CAROLINA RESPIRATORY CARE BOARD:

Based on the agreement of the Licensee and the authority previously conveyed by resolution of the Board, the foregoing Consent Order is entered at Raleigh, North Carolina

This 1st day of December 2005

Floyd E. Boyer
Floyd E. Boyer, RRT, RCP
Executive Director