



# NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242  
Raleigh, NC 27609

## CONSENT ORDER

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**IN THE MATTER OF:  
AMY B. THOMAS  
RESPIRATORY CARE LICENSE #3793**

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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 August 9, 2004, the Board issued a license to practice respiratory care to Ms. Amy B. Thomas ("Licensee"), license number 3793; and

WHEREAS the Board received a complaint dated December 20, 2004 from her supervisor at Forsyth Memorial Hospital that the Licensee had tested positive for drugs at her practice site; and

WHEREAS the Board conducted an investigation pursuant to G.S. 90-652 (5) into the activities of the Licensee to determine if she 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:**

Amy B. Thomas 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.

Amy B. Thomas shall cause her immediate Respiratory Care supervisor to submit written quarterly reports to the Board, which shall be submitted by the 15<sup>th</sup> day of January 2006, April 2006, July 2006 and October 2006. Each such written report shall document Amy B. Thomas's performance in the delivery of Respiratory Care, and detail any concerns of the supervisor about Amy B. Thomas's practice of Respiratory Care.

Amy B. Thomas shall continue to participant in the Narcotics Anonymous program she is enrolled in and submit documentation to the Board quarterly of her participation.

Amy B. Thomas shall enroll in her employer's Employee Assistance Program and follow the Plan of Treatment of the Substance Abuse Counselor. Amy B. Thomas shall sign a release of information form with her Counselor allowing him/her to provide a quarterly report to the Board.

Amy B. Thomas agrees to permit the Board to conduct random drug testing during her probationary period. The costs of all drug testing will be paid by Amy B. Thomas. 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 Amy B. Thomas regarding the details of how any drug test should occur.

Amy B. Thomas agrees to pay to the Board before her next renewal date, August 9, 2006, the sum of \$300.00 to pay the cost of disciplinary action as authorized by G.S. 90-666(d).

Amy B. Thomas 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 Amy B. Thomas is not fully complying with any term or condition stated herein.

This Consent Order shall become final when accepted by Amy B. Thomas and entered by the Board based on execution of the Consent Order by its Executive Director.

**CONSENT TO ISSUANCE OF ORDER BY LICENSEE**

I, Amy B. Thomas, 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.

Amy B. Thomas  
Amy B. Thomas

STATE OF NORTH CAROLINA )  
COUNTY OF Catawba )

There personally appeared before me, a Notary Public in and for the County of Catawba State of North Carolina, Amy B. Thomas, who after having presented documentation of her identity that was satisfactory to me did acknowledge that she executed the foregoing Consent Order as her free and voluntary act.

This 7th day of December, 2005

Tracy G Royal

Notary Public

My Commission Expires: 3-03-2010



**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 9th day of December 2005

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