NORTH CAROLINA RESPIRATORY CARE BOARD
1100 Navaho Drive, Suite 242
Raleigh, NC 27609

CONSENT ORDER

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IN THE MATTER OF:
DIANE R. O'NEAL
RESPIRATORY CARE LICENSE #2430

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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 September 16, 2002, the Board issued a license to practice respiratory care to Ms. Diane R. O'Neal ("Licensee"), license number 2430; and

WHEREAS the Board received a complaint that while on contract with Clinical One, a healthcare staffing organization, the licensee had falsified her time record for the period of January 21-22, 2004 in that she included hours that she had not worked at the contract site, Nash General Hospital; and

WHEREAS Licensee was invited to an informal interview on June 30, 2004 with the Board's Investigation and Informal Settlement Committee to discuss the alleged conduct; and

WHEREAS Licensee admitted to the members of the Board's Investigation and Informal Settlement Committee on June 30, 2004 that she had entered twenty hours on her timesheet though she had worked only one four-hour shift during the time period of January 21-22, 2004; and

WHEREAS Licensee explained that she had done so at the instruction of her healthcare staffing organization in order to be paid amounts for short shifts or cancelled shifts in accordance with her agreement with the healthcare staffing agency; however, such was not made clear to hospital and the hospital ultimately was billed for the full twenty hours; and

WHEREAS there is no evidence or indication that the Licensee falsified any record of care of an individual patient; and

WHEREAS the Board's statute and its administrative rules establish standards that govern the conduct of anyone licensed by the Board while engaged in providing respiratory care; and

WHEREAS the Board's statute provides in N.C. Gen. Stat. § 90-659, that the Board shall take necessary action on a license when a licensee has committed an act of malpractice, gross negligence or incompetence in the practice of respiratory care; or has engaged in health care practice that are determined to be hazardous to public health, safety or welfare;

AND WHEREAS the Board's rules provide in 21 NCAC 61 .0307(10) and (19), that unprofessional conduct related to the delivery of respiratory care including engaging in any act or practice that is hazardous to public health, safety or welfare; or making deceptive, untrue, or fraudulent representations in the delivery of respiratory care or employing a trick or scheme in the delivery of respiratory care, constitute grounds for license denial or discipline;

**NOW THEREFORE, AND BASED ON THE INFORMATION
PRESENTLY AVAILABLE TO THE BOARD,
IT IS HEREBY ORDERED THAT:**

Licensee shall continue to comply with the Act, the Board's Rules, and the Board's interpretation of those rules; and

Licensee agrees to the Suspension of her Respiratory Care Practitioner license for a period of 100 days, beginning July 1, 2004, and ending on October 8, 2004; and

Licensee agrees to reimburse the Board for costs associated with the work of the Investigation and Informal Settlement Committee on this matter in the amount of $ 100.00.

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

Entry of this Consent Order by the Board does not preclude the Board from taking other adverse action against Licensee for other acts or omissions by Licensee that may be brought to Board's attention in the future; and

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

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CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, Diane R. O'Neal, state that I have read the foregoing Consent Order; that I know and fully understand its contents; that I agree freely and without threat or coercion of any kind to comply with the terms and conditions stated herein; and that I consent to the entry of the Consent Order, as a condition of retaining my license from the North Carolina Respiratory Care Board.

_____
Diane R. O'Neal

STATE OF NORTH CAROLINA)
)
COUNTY OF __Wake__   )

There personally appeared before me, a Notary Public in and for the County of Wake, State of North Carolina, Diane R. O'Neal, 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.

The ___8th___ day of ___October___, 2004

_____   SEAL
Notary Public

My Commission Expires: __12-8-07__

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

The __8th__ day of ___October___ 2004

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Floyd E. Boyer, RRT, RCP
Executive Director