



NORTH CAROLINA RESPIRATORY CARE BOARD
1100 Navaho Drive, Suite 242
Raleigh, NC 27609
(919) 878-5595
FAX (919) 878-5565

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

November 3, 2011

Thomas W. Beckom
115 E. Poplar Street
Mt. Airy, NC 27030

Re: Revocation of Your Respiratory Care Practitioner License

Dear Mr. Beckom,

The North Carolina Respiratory Care Board held a hearing on October 13, 2011, regarding the matters described in the Order for Summary Suspension and Permanent Revocation and Notice of Hearing dated August 1, 2011 and the Notice of Hearing dated August 22, 2011, both of which were sent by certified mail, return receipt requested, to your last address of record in the Board files. Based on the Notice of Hearing, your case was called during the October 13 Board Meeting, but you did not appear and no one else appeared on your behalf. Following its normal procedure, and since you had been given formal notice to appear, the Board proceeded with the hearing.

The Board considered the testimony and exhibits submitted in evidence at the hearing, and based on its review of this evidence, the Board entered the Findings of Fact and Conclusions of Law in the attached Final Board Decision. Based on the evidence presented, the Board determined to revoke your license to practice Respiratory Care, effective October 13, 2011, the date of the hearing. This letter and the attached decision serve as official notice of the Board's Findings of Fact, Conclusions of Law, and its Final Board Decision, along with notice of your appeal rights under the North Carolina Administrative Procedure Act.

Appeal Right – You have the right to appeal the Board's decision by filing a petition in the Superior Court of Wake County, North Carolina within thirty (30) days of your receipt of this letter. To compute the thirty day period, you should start counting on the day after this letter is signed for by you or by anyone else, because the Board will use the date of signature on the signature card that we will get back to define the start of the 30-day period. Your appeal must be **FILED** in the Office of the Clerk of Court at the Wake County Courthouse in Raleigh, North Carolina, **before 5 P.M. on the thirtieth day**, unless that day falls on a weekend or holiday recognized by North Carolina State Government. Please note that North Carolina does not share all of the same holidays as other states or the United States Government. If the thirtieth day falls on a weekend or on a holiday that is recognized by the State of North Carolina, then you must file before 5 PM on the next business day. If you do not file an appeal on time, you will lose your right to appeal.

Should you have any questions regarding any aspect of this letter, please do not hesitate to contact me.

Sincerely,

Floyd E. Boyer, RRT, RCP
Executive Director



BEFORE THE NORTH CAROLINA RESPIRATORY CARE BOARD

IN THE MATTER OF THE LICENSE)
OF THOMAS W. BECKOM TO)
PRACTICE RESPIRATORY CARE)
LICENSE NO. 1700)

**FINAL BOARD DECISION
REVOKING LICENSE**

This matter involves License Number 1700, issued by the North Carolina Respiratory Care Board (“the Board”) to Mr. Thomas W. Beckom (“the Licensee”).

PROCEDURAL HISTORY OF THIS CASE

The subject of this case is the conduct of the Licensee that led to his termination from his position at Select Specialty Hospital in Winston Salem. On or about January 24, 2011, the Board received notice that the Licensee was terminated from employment as a result of a determination that he had neglected patients in his care. This matter came for hearing before the Board on October 13, 2011, as part of the Board’s regularly scheduled meeting on that date, and pursuant to Order for Summary Suspension and Permanent Revocation and Notice of Hearing dated August 1, 2011 and an additional Notice of Hearing dated August 22, 2011, both of which had been sent by certified mail, return receipt requested, to the Licensee’s last address of record in the Board files.

APPEARANCES/WITNESSES

At the hearing, neither the Licensee, Thomas W. Beckom, nor any other person appeared on his behalf. The case for the Board was presented by its counsel, William R. Shenton. Mr. Shenton called Floyd Boyer, Executive Director of the Board and Judy Green, Board Investigator as the Board’s witnesses.

EVIDENCE/EXHIBITS

Board Evidence:

The testimony of Floyd Boyer, Executive Director of the Board and Judy Green, Board Investigator and the following Exhibits were accepted into the record without objection.

Board Exhibit #1 — Order For Summary Suspension and Permanent Revocation of License of Thomas W. Beckom and Notice of Hearing, August 1, 2011 by the NCRCB. The certified mail receipt and signed signature card.

Board Exhibit #2 — Notice of Hearing, August 22, 2011 by the NCRCB

Board Exhibit #3---Correspondence between the Board and the Licensee, consisting of the following:

A letter, dated February 1, 2011, inviting the Licensee to an Informal Interview with the Board’s Investigation and Informal Settlement Committee to be held on April 13, 2011. The certified mail receipt and signature card signed by the Licensee.

An email sent to the Licensee on April 1, 2011 asking the Licensee to send confirmation that he will attend the April 13, 2011 interview.

An email sent by the Licensee, dated April 5, 2011, stating he will attend the April 13, 2011 interview.

An email sent by the Licensee, dated April 12, 2011, stating he cannot attend the April 13, 2011 interview due to illness.

A letter, dated April 13, 2011, mailed to the Licensee inviting the Licensee to an Informal Interview with the Board's Investigation and Informal Settlement Committee to be held on July 13, 2011. The letter specifically stated that failure to attend the interview may result in sanction of his license. The certified mail was returned to the Board "Unclaimed."

An email sent to the Licensee on May 4, 2011 asking the Licensee his intentions in this matter.

An email sent by the Licensee, dated May 16, 2011, stating he will attend the July interview.

Board Exhibit #4 — A subpoena sent to Steve Johnson, RCP of Select Specialty Hospital, Winston-Salem, NC requesting documentation be sent to the NCRCB concerning the alleged unprofessional conduct which includes falsification of patient records and failure to provide prescribed treatments.

Board Exhibit #5 — An Affidavit of Stephen A. Johnson, RCP that addresses the information requested in the subpoena. Copies of items requested in the Subpoena.

Board Exhibit #6 — A copy of the disciplinary form from Select Specialty Hospital dated January 17, 2011.

Board Exhibit #7 — A copy of the Employee Handbook Acknowledgement from Select Specialty Hospital signed by the Licensee and dated January 6, 2009.

Licensee Evidence:

Neither the Licensee nor a representative of the Licensee appeared at the hearing and no evidence was presented on his behalf.

FINDINGS OF FACT

1. On or about May 23, 2003, the Board issued License Number 1700 to the Licensee to practice respiratory care.
2. On February 1, 2011, after the Board received notice of the termination of Licensee's employment at Select Specialty Hospital in Winston Salem, and the basis for that action, the Board mailed a certified letter to the Licensee's last address of record in the Board's files, requesting that the Licensee attend an Informal Interview to provide information about this matter. The letter informed the Licensee that the interview was set for April 13, 2011, the next regularly scheduled meeting date for the Investigation and Informal Settlement Committee. The certified mail signature card was returned to the Board signed by the Licensee on February 4, 2011. The Licensee failed to appear for the Informal Board Interview on April 13, 2011 as requested by the Board.
3. On April 14, 2011, the Board mailed a second certified letter to the Licensee's last address of record requesting that the Licensee attend an Informal Interview on July 13, 2011. The certified mail was returned to the Board "Unclaimed." On May 4, 2011, an email was sent to the Licensee's E-mail account of record in the Board's files asking the Licensee if he would attend the interview on July 13, 2011. The Licensee responded by email dated May 16, 2011 stating he would attend the July Interview, but the Licensee failed to appear for the Interview on July 13, 2011.
4. Based on information gathered by the Board in its investigation including an interview conducted by the Board's Investigator, the Board Summarily Suspended the license and issued an order for permanent revocation on July 14, 2011.

5. On August 1, 2011, an Order for Permanent Revocation of License and Notice of Hearing was mailed by certified letter to the Licensee's last address of record. The letter informed the Licensee that the Hearing date was set for October 13, 2011. The certified mail signature card was returned signed to the Board on August 17, 2011.
6. On August 22, 2011, the Notice of Hearing was mailed by certified letter to the Licensee's last address of record. The letter informed the Licensee that the Hearing date was set for October 13, 2011. The certified mail signature card was returned signed to the Board on August 23, 2011.
7. The Licensee never contacted the Board office to attempt to arrange different dates or times to appear, and did not appear for the scheduled Interviews or Hearing.
8. While employed as a Respiratory Care Practitioner at Select Specialty Hospital in Winston Salem, the Licensee documented the administration of nebulizer treatments on two occasions when no nebulizer was set up in the affected patient's room.
9. While employed as a Respiratory Care Practitioner at Select Specialty Hospital in Winston Salem, the Licensee documented the administration of nebulizer treatments on two occasions when no medication was dispensed from the medication dispensing machine.
10. While employed as a Respiratory Care Practitioner at Select Specialty Hospital in Winston Salem, the Licensee documented administering medications to patients on 16 different occasions at times prior to the time when the Licensee dispensed the needed medications from the medication dispensing machine.
11. While employed as a Respiratory Care Practitioner at Select Specialty Hospital in Winston Salem, the Licensee falsified patient records related to the provision of Respiratory Care.
12. The Licensee was terminated from his employment at Select Specialty Hospital on January 24, 2011 after the facility determined that he had neglected patients in his care by not providing ordered nebulizer treatments and falsifying patients' records.

CONCLUSIONS OF LAW

Based upon the foregoing Finding of Fact, the Board enters the following Conclusions of Law:

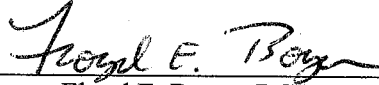
1. Each of the Licensee's falsifications of patient records constitutes the commission of an act of malpractice, gross negligence and incompetence in the practice of respiratory care and therefore violates N.C. Gen. Stat. § 90-659(a)(1)(b).
2. Each of the Licensee's falsifications of patient records is hazardous to the public health and violates N.C. Gen. Stat. § 90-659(a)(1)(d).
3. Each of the Licensee's falsifications of patient records constitutes unprofessional conduct which violates 21 N.C.A.C. 61 .0307(10), and N.C. Gen. Stat. § 90-659(a)(4).
4. Each of the Licensee's falsifications of patient records constitutes a failure to maintain accurate records of respiratory care, in violation of 21 N.C.A.C. 61 .0307(15), and N.C. Gen. Stat. § 90-659(a)(4).
5. Each of the Licensee's falsifications of patient records constitutes a willful making and filing of a false record in the delivery of respiratory care and is a violation of 21 N.C.A.C. 61 .0307(23), and N.C. Gen. Stat. § 90-659(a)(4).

FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board determined that the license of Thomas W. Beckom to practice respiratory care in North Carolina shall be permanently revoked effective October 13, 2011.

IT IS SO ORDERED:

This the 2nd day of November, 2011



Floyd E. Boyer, RCP
Executive Director
North Carolina Respiratory Care Board