

IN THE MATTER OF:)

)

CONSENT ORDER

William J. McEntire, RCP)

License Number – 6532 PENDING)

1. Jurisdiction

The North Carolina Respiratory Care Board (the Board) is an occupational licensing board of the State of North Carolina, organized under N.C. Gen. Stat. § 90-646, et seq. The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 90-652 and 21 N.C. Admin. Code § 61.0307.

2. Identification

The Respiratory Care Practitioner Applicant is William J. McEntire (the “Applicant”). His mailing address is 90 Tigerlily Court, Unit 5, Cullowhee, NC 28723. The Applicant has been assigned Pending Applicant Number 6532.

3. Waiver of Rights

I, William J. McEntire, the Applicant, understand that I have each of the following rights:

(Initials)

WSM The right to a hearing before the Board;

WSM The right to present evidence to disprove all or some of the charges against me;

WSM The right to present evidence to limit or reduce any sanction that could be imposed for a violation;

WSM The right to confront and cross-examine witnesses and to challenge evidence presented by the Board against me;

WSM The right to present legal arguments in a brief; and

WSM The right to appeal from any final decision adverse to my license to practice respiratory care.

As noted by my initials above, I hereby freely and knowingly waive these rights without further process and agree to the terms of this Consent Order regarding my license. In order to resolve

this matter by a Consent Order, I also agree that the Board staff and counsel may discuss this Consent Order with the Board *ex parte* whether or not the Board accepts this Order as written.

4. Stipulation to Facts

The Applicant and the Board stipulate to the following facts:

A. The application for Respiratory Care Practitioner License from William J. McEntire noted two pending DUI convictions.

B. The Board received a criminal history report for the Applicant from the NC State Bureau of Investigation showing a deferred prosecution for larceny, a conviction for Intoxicated and Disruptive and a conviction for a DUI.

C. The Applicant admitted during an interview with the Board's Investigation and Informal Settlement Committee that he had received a deferred prosecution for larceny, a conviction for Intoxicated and Disruptive, a conviction for a DUI and an pending DUI conviction.

5. Stipulated Order

A. Stipulation to Sections of Law Violated:

I, William J. McEntire, the Applicant, admit that the allegations against me, if proven true, would constitute violations of N.C. Gen. Stat. § 90-659 (a)(1)(d) and the regulations set forth in 21 N.C. Admin. Code § 61 .0307 (10) and (14).

B. Stipulation to Sanction:

Under N.C. Gen. Stat. § 90-652, in lieu of proceeding to hearing, the Applicant and the Board hereby enter into this consent order whereby the Applicant and the Board agree to the following terms:

1. Being provisionally licensed to practice respiratory care on Probationary Status for a period of 12 months from the date of signature of this Consent Order.

2. Enter a Formal Alcohol Abuse Treatment Program and sign a release of information form with his Abuse Counselor allowing him/her to provide written quarterly reports to the Board during the probationary period. The Applicant shall agree to follow any Plan of Treatment suggested by the Abuse Counselor.

3. Permit the Board to conduct random drug testing of the Applicant during the time the Applicant is on Probationary Status. The costs of all drug testing will be paid by the Applicant. 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 the Applicant regarding the details of how any drug test should occur.

4. To continue to comply with the Respiratory Care Practice Act, the Board's Rules, and the Board's published interpretation of those rules.

6. Public Record

The parties agree that this Consent Order is public record, as required by N.C. Gen. Stat. § 132-1. Documents that are part of the investigative file are not public record.

7. Reporting

This disciplinary action will be reported to the appropriate entities as outlined in Board policy and required by state and/or federal law or guidelines. Those entities include, but are not limited to, the National Databank maintained by the National Board for Respiratory Care and the Healthcare Integrity and Protection Data Bank (HIPDB).

8. Effective Date

All provisions of this Consent Order are effective upon the date that the Executive Director of the Board signs this Order.

9. Noncompliance with Consent Order

Failure by the Respiratory Care Practitioner to comply with the terms of this Order, either in substance or in timing, is a violation of 21 N.C. Admin. Code § 61 .0307(3). If, during the term of this Consent Order, the Board staff receives evidence that the Respiratory Care Practitioner has violated any of the above conditions, the Board may schedule a show cause hearing for a determination of the violations. If the Board determines that such violations have occurred, then the Board may suspend or revoke the license, revoke any stay, or may impose additional disciplinary action.

All provisions of this Order are effective upon this Order's effective date. Fulfillment of time-specific elements intended to coincide with active practice (such as, but not limited to; probation, supervision or therapy) will only accrue during periods of active practice in which the Respiratory Care Practitioner is compliant with the terms of this Order. Therefore, any period of noncompliance or inactive practice will not accrue towards fulfillment of those terms.

Should circumstances arise that affect the Respiratory Care Practitioner's ability to remain in compliance, the Respiratory Care Practitioner shall immediately notify the Board in writing by return receipt mail, fully describing the situation along with any attendant request for Board consideration.

Any modification of this Consent Order must be pre-approved in writing by the Board before it may occur.

CONSENT TO ISSUANCE OF ORDER BY RESPIRATORY CARE PRACTITIONER

I, William J. McEntire, 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 this Consent Order as a condition of being issued a license from the North Carolina Respiratory Care Board.

William J. McEntire
William J. McEntire

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, William Justin McEntire, 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 15th day of July, 2011.

Jane E. Carter
Notary Public

(SEAL)

My Commission Expires: 12-8-12

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

The foregoing Consent Order is entered at Raleigh, North Carolina, this 15th day of July, 2011.

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