



NORTH CAROLINA RESPIRATORY CARE BOARD

1100 Navaho Drive, Suite 242

Raleigh, NC 27609

CONSENT ORDER

**IN THE MATTER OF:
JOHN W. FORBES
RESPIRATORY CARE LICENSE #1616**

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 the Board received a complaint on December 1, 2003 from the Licensee's employer, Blue Ridge HealthCare Center, Inc. informing the Board that he was terminated from his position at the facility for alleged verbal abuse of a patient under the Licensee's care in violation of § 90-659(a)(1)d and 21 NCAC 61.0307 (10); and

WHEREAS the Licensee informed the Board during his Investigation Interview that he had verbally abused the patient as alleged on one occasion in violation of § 90-659(a)(1)d and 21 NCAC 61.0307 (10).; 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 January 2, 2004, 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 January 2, 2004 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:

The Licensee consents to the issuance of a Board Reprimand for violation of § 90-659(a) (1) d; Engaged in health care practices that are determined to be hazardous to public health, safety, or welfare, and 21 NCAC 61.0307 (10); Unprofessional conduct related to the delivery of respiratory care, which includes, but is not limited to, engaging in any act or practice that is hazardous to public health, safety or welfare.

The Licensee shall within 45 days of this order be evaluated by a physiologist or psychiatrist as to any anger management concerns. The Licensee shall abide by the findings of the physiologist or psychiatrist and continue in his/her care as recommended by the physiologist or psychiatrist if any concerns are found during the evaluation. The licensee shall cause the physiologist or psychiatrist to submit written reports to the Board of all sessions the licensee has with the physiologist or psychiatrist. Each such written report shall document the Licensee's continued progress toward treatment and detail any concerns the physiologist or psychiatrist may have. The Licensee shall sign a release of information form with the physiologist or psychiatrist allowing the physiologist or psychiatrist to provide the requested information.

Licensee 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 Licensee is not fully complying with any term or condition stated herein.

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

CONSENT TO ISSUANCE OF ORDER BY LICENSEE

I, John W. Forbes, 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.

John W. Forbes
John W. Forbes

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, John W. Forbes, 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 12th day of January, 2004

Jane E. Carter
Notary Public

SEAL

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

This 12th day of JANUARY 2004

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